

Allen Owen, Mayor
Eunice Reiter, Mayor Pro Tem
Jerry Wyatt, Councilmember
Barbara Gibson, Councilmember



Buddy Jimerson, Councilmember
Brett Kolaja, Councilmember
Cynthia Gary, Councilmember
Caroline Kelley, City Attorney
Frank Simpson, City Manager
Patrice Fogarty, City Secretary

CITY COUNCIL MEETING AGENDA

Notice is hereby given of a meeting of the City Council of Missouri City to be held on **Monday, March 2, 2009**, at **7:00 p.m.** at: **City Hall, Council Chambers, 2nd Floor**, 1522 Texas Parkway, Missouri City, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1. **ROLL CALL**

2. **PLEDGE OF ALLEGIANCE** – The *Pledge of Allegiance* will be led by the Elkins High School ROTC.

3. **PRESENTATIONS AND RECOGNITIONS**

- (a) Recognition honoring **Justin Evin Partain** for his exemplary actions on June 10, 2008.
- (b) Presentation of the **2008 City Crime Report**.

4. **CONSENT AGENDA** – *All consent agenda items listed are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests; in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Information concerning consent agenda items is available for public review.*

- (a) Consider approving the **minutes** of the **special** and **regular** City Council meeting of **February 16, 2009**.
- (b) Consider approving the **Investment Policy Amendment**.
- (c) Consider authorizing **repairs** to the **Sta-Mo Lift Station**.
- (d) Consider negotiating and executing an agreement with **AECOM** for **engineering services** for Year 2 of the **Stormwater Management Program**.
- (e) Consider authorizing the Mayor to execute an **Interlocal Agreement for Mutual Aid Fire Protection** between Missouri City Fire & Rescue Services and **Rosharon Volunteer Fire Department**.
- (f) Consider authorizing Mayor Owen to cast the City's votes for the two Small Cities' representatives to the **METRO Board**.

5. **APPOINTMENTS** – *There are no Appointments at this time.*

6. **AUTHORIZATIONS BY COUNCIL**

- (a) Consider the acceptance of the **Texas Parkway/Cartwright Road** corridors **redevelopment plan** and authorize City Staff to initiate an **implementation strategy**.
- (b) Consider awarding contract for the **reconstruction** of **Turtle Creek Drive**.

- (c) Consider authorizing an agreement with **Dodson & Associates** for **engineering services** for **floodplain management support**.

7. **PUBLIC COMMENTS** – *An opportunity for the public to address Council on items/concerns not on this agenda.*

8. **PUBLIC HEARINGS** – *There are no Public Hearings at this time.*

9. **PUBLIC HEARINGS AND CONSIDERATION OF ZONING ORDINANCES**

- (a) Public hearing to receive comments for or against a request by **Joseph J. Bhonn** to rezone an approximate 2.42 acre tract of land from R-1, Residential District to PD, Planned Development District to allow for private septic systems and water wells; providing a penalty; providing for severability; and to **consider the ordinance on the first of two readings**. The subject site is located at 6201 Johnson Dr. in the Oyster Creek Farms residential subdivision, north of the Houston Community College Campus, south of State Hwy. 6, southeast of Sienna Ranch Rd. and west of McKeever Rd.

10. **CONSIDERATION OF ORDINANCES**

- (a) Consider an ordinance of the City Council of the City of Missouri City, Texas, **amending** City of Missouri City **Ordinance No. O-02-14**, adopted March 18, 2002, as amended; providing terms and conditions for **employee evaluations** as set forth in the personnel manual; and providing for severability; and to **consider the ordinance on the second and final reading**.
- (b) Consider an ordinance of the City Council of the City of Missouri City, Texas, **amending** the **general budget** for the fiscal year beginning July 1, 2008, and ending June 30, 2009, transferring various appropriations among accounts; appropriating supplemental revenue to various fund accounts; authorizing the appropriate city officials to take steps necessary to accomplish such transfers; making certain findings; and containing certain provisions relating to the subject; and to **consider the ordinance on the first and final reading**.

11. **CONSIDERATION OF RESOLUTIONS** – *There are no Consideration of Resolutions on this agenda.*

12. **RECEIVING OF REPORTS** – *There are no reports on this agenda.*

13. **CLOSED EXECUTIVE SESSION**

The City Council may go into Executive Session regarding any item posted on the Agenda as authorized by Chapter 551 of the Texas Government Code. Notice is hereby given that the City Council will go into Executive Session in accordance with the following provisions of the Government Code:

Texas Government Code, Section 551.071 – Consultation with attorney to seek or receive legal advice regarding pending or contemplated litigation, a settlement offer, or on a matter which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Texas Open Meetings Act: eminent domain proceeding relating to the Quail Valley Golf Course.

Texas Government Code, Section 551.071 – Consultation with attorney to seek or receive legal advice regarding pending or contemplated litigation, a settlement offer, or on a matter which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Texas Open Meetings Act: for vacation, closure and abandonment of a certain segment of Cravens Road between U.S. Highway 90A and S. Gessner Road.

14. CONVENE INTO OPEN SESSION – *Take action, if necessary.*

15. ADJOURN

In compliance with the Americans with Disabilities Act, the City of Missouri City will provide for reasonable accommodations for persons attending City Council meetings. To better serve you requests should be received 24 hours prior to the meetings. Please contact Patrice Fogarty, City Secretary, at 281.403.8685.

CERTIFICATION

I certify that a copy of the March 2, 2009, agenda of items to be considered by the Missouri City City Council was posted on the City Hall bulletin board on February 27, 2009 at 4:00 p.m.



Maria Gonzalez, Deputy City Secretary

I certify that the attached notice and agenda of items for consideration by the City Council was removed by me from the City Hall bulletin board on the ____ day of _____, 2009.



**Council Agenda Item
March 2, 2009**

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

The *Pledge of Allegiance* will be led by Elkins High School ROTC.

3. PRESENTATIONS AND RECOGNITIONS

- (a) Recognition honoring **Justin Evin Partain** for his exemplary actions on June 10, 2008.
 - (b) Presentation of the **2008 City Crime Report**.
-



**Council Agenda Item
March 2, 2009**

4. CONSENT AGENDA

- (a) Consider approving the **minutes** of the **special** and **regular** City Council meeting of **February 16, 2009**.

Background information attached as follows:

Special meeting minutes of February 16, 2009

Regular meeting minutes of February 16, 2009

Allen Owen, Mayor
Eunice Reiter, Mayor Pro Tem
Jerry Wyatt, Councilmember
Barbara Gibson, Councilmember



Buddy Jimerson, Councilmember
Brett Kolaja, Councilmember
Cynthia Gary, Councilmember
Caroline Kelley, City Attorney
Frank Simpson, City Manager
Patrice Fogarty, City Secretary

CITY COUNCIL SPECIAL MEETING MINUTES

City Council of the City of Missouri City, Texas, met in special session **Monday, February 16, 2009**, at **6:00 p.m.** at City Hall, Second Floor (Behind Council Chambers), 1522 Texas Parkway, Missouri City, Texas, to consider the following:

1. CALL TO ORDER

Mayor Pro Tem Reiter called the meeting to order at 6:15 p.m.

Those also present: Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja; City Manager Simpson, City Attorney Kelley and City Secretary Fogarty. Mayor Owen arrived at 6:23 p.m.

2. DISCUSSION/POSSIBLE ACTION

- (a) Consider and discuss the budgets for the Quail Valley Golf Course and related facilities.

City Manager Simpson addressed the budget for the Quail Valley Golf Course, along with Dave Elmendorf. He stated the Quail Valley Golf Course should be viewed on a yearly basis, not monthly, and that golf rounds are up from projections.

- (b) Consider and discuss the term "tagging" an agenda item.

- (c) Consider and discuss the rules for the order of business of City Council meetings.

Agenda items 2(b) and 2(c) were not addressed at this time.

3. CLOSED EXECUTIVE SESSION

At 6:50p.m., Council convened in closed executive session pursuant to chapter 551 of the Texas Government Code, for one or more of the following reasons: consultation with legal counsel to seek or receive legal advice or consultation regarding pending or contemplated litigation; discussion about the value or transfer of real property and other real estate matters; deliberation regarding economic development negotiations; and deliberation regarding personnel matters. Council will meet in a closed session on the following and as authorized by:

Texas Government Code, Section 551.087 -- Deliberations regarding commercial or financial information that the governmental body received from a business prospect that the governmental body seeks to locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations: manufacturing prospect update.

4. RECONVENE INTO OPEN SESSION

Council reconvened at 7:10, no action taken.

5. ADJOURN

The meeting adjourned at 7:10 p.m.

Patrice Fogarty, City Secretary

Allen Owen, Mayor
Eunice Reiter, Mayor Pro Tem
Jerry Wyatt, Councilmember
Barbara Gibson, Councilmember



Buddy Jimerson, Councilmember
Brett Kolaja, Councilmember
Cynthia Gary, Councilmember
Caroline Kelley, City Attorney
Frank Simpson, City Manager
Patrice Fogarty, City Secretary

CITY COUNCIL MEETING MINUTES

City Council of the City of Missouri City, Texas, met in regular session **Monday, February 16, 2009**, at the City Hall Council Chambers, Second Floor, 1522 Texas Parkway, Missouri City, Texas, at **7:00 p.m.** to consider the following:

1. ROLL CALL

Mayor Owen called the meeting to order at 7:12 p.m.

Those also present: Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson, and Kolaja; City Manager Simpson, City Attorney Kelley, and City Secretary Fogarty.

2. PLEDGE OF ALLEGIANCE

The Clements High School NJROTC led the *Pledge of Allegiance*.

3. PRESENTATIONS AND RECOGNITIONS

The winners of **Tobacco Free Fort Bend Coalition** presented *The Great American Smoke Out* calendars to City Council and spoke about the effects of smoking. **Dr. Joel Dunnington** presented a PowerPoint presentation regarding the **effects of second-hand smoke**.

Building Official Flores spoke about the structure at **3033 Hampton Drive** in the City of Missouri City. He stated a permit was issued for general structure and roof repair on December 10, 2008. The cost of repair is listed at \$179,000.00. Then, on January 7, 2009, a permit was issued for exterior enclosure repairs that will replace the wall that had been removed and would repair other existing framed glass doors and windows. The cost of repair is \$80,000.00. An electrical permit was issued on December 16, 2008, for providing electricity to the pool pumps. While on an inspection December 17, 2009, the City discovered the house's electrical panel had electrical power and determined that it was due to CenterPoint turning on everyone's power after Hurricane Ike. Leon Salazar, the caretaker of the property, did not know the property had power until he hired the electrician to see about running power to the pool pumps to correct the pool violation. The City allowed power to remain and instructed the electrician to block off all power to the house and only work off the pool breaker to supply the power needed to the pool. The pool side wooden arbor was damaged by Hurricane Ike and has since been removed. The pool is now in compliance with the pool code.

At the same time work was being assessed to the pool, the livestock corral fencing was cut down to a 6-foot height and is in compliance with zoning requirements. Fence wire was taken down then installed onto the steel pike entry gate to meet pool code for not allowing small children or others to gain unauthorized entry. Furthermore, on January 29, 2009, an inspection was conducted to see what other work had been done to the structure after the building permits were issued. It was found that no work was conducted on any part of the two permits issued. The house remained vacant with only garden tools stored.

Attorney Stephen A. Doggett, stated Judge Childers, Fort Bend County Court at Law No. 1, ordered the property to be appraised. He further stated they are not going to pursue declaring the property as a historical building until the Judge states it is to be restored or demolished.

The City's Forester, Paul Wierzbicki, presented an overview of the City's **2008 accomplishments** and upcoming **urban forestry projects**.

4. **CONSENT AGENDA**

- (a) Consider approving the **minutes** of the **regular** City Council meeting of **February 2, 2009**.
- (b) Consider authorizing the City Manager to execute an agreement for design of **construction plans and specs** for **Mustang Bayou Phase I Improvements**.
- (c) Consider authorizing the Mayor to sign and the City Secretary to attest a **Joint Election Agreement** and **Contract** for **Election Equipment and Services with Fort Bend County**.
- (d) Consider acceptance of **Quarterly Investment Report** for period ending **December 31, 2008**.

Councilmember Kolaja moved to approve agenda item 4(a) through 4(d) pursuant to recommendations by Staff. Councilmember Jimerson seconded. **MOTION PASSED.**

Ayes:	Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes:	None

Councilmember Kolaja stepped away from the City Council meeting at 8:02 p.m.

- (e) Consider declaring an exemption to the competitive bid statutes and authorize the purchase of repairs to the **Steepbank Flatbank Wastewater Treatment Plant**.

Councilmember Wyatt moved to approve agenda item 4(e) pursuant to recommendations by Staff. Councilmember Gibson seconded. **MOTION PASSED.**

Ayes:	Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, and Gibson
Noes:	None
Absent:	Councilmember Kolaja

Councilmember Kolaja returned to the City Council meeting at 8:02 p.m.

5. **APPOINTMENTS**

There were no Appointments at this time.

6. **AUTHORIZATIONS BY COUNCIL**

- (a) Consider awarding a **contract** for **Drainage and Paving Improvements** for **Fieldcrest Subdivision**.

Director of Public Works/City Engineer Elmer stated the reconstruction of the drainage within the Fieldcrest Subdivision is necessary to redirect drainage to the Blueridge West Watershed. The project includes site preparation, paving, signing, and drainage improvements.

Councilmember Jimerson moved to approve the contract for **Drainage and Paving Improvements** for **Fieldcrest Subdivision** to Cravens Partners, Ltd., in the amount of \$1,113,329.35. Councilmember Gary seconded. **MOTION PASSED.**

Ayes:	Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes:	None

- (b) Consider authorization to **officially name a park property**, currently known as the **CSB Materials Site**, to **Brazos River Overlook**.

Councilmember Wyatt stated Staff should consider City Council's input when choosing to rename City property.

Mayor Pro Tem Reiter moved to officially recognize the park property currently known as the CSB Materials Site to **Brazos River Overlook**. Councilmember Kolaja seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes: None

7. PUBLIC COMMENTS

Mayor Owen noted the following comments to any and all citizens who wish to address Council during public comments. "Citizens who wish to address the City Council about items on the agenda which are scheduled for Council action will have **five minutes** to express their positions. State Law prohibits the Mayor and the members of the Council from commenting on any statement or engaging in dialogue without an appropriate agenda item being posted in accordance with the Texas Open Meetings Law. Comments should be directed to the entire Council, not individual members. Engaging in verbal attacks or comments intended to insult, abuse, malign, or slander any individual shall be cause for termination of speaking privileges and expulsion from Council Chambers."

Linda Russell, 2923 Ashmont, Missouri City, addressed City Council and stated the City should strongly consider passing an ordinance to make Missouri City a smoke-free City.

8. PUBLIC HEARINGS

- (a) A public hearing to receive comments concerning the use of **Community Development Block Grant** for FY 2009 Action Plan.

The public hearing opened at 8:22 p.m. Community Development Block Grant Coordinator Mike Fogarty stated this is the first of two public hearings to receive comments from citizens and civic organizations regarding the use of Community Development Block Grant funds for FY 2009 CDBG Annual Action Plan.

Brenda Bowman, 12530 Emily Court, Sugar Land, spoke as Executive Director of the Literacy Council of Fort Bend County and thanked the City for their support.

Vita Goodell, P.O. Box 183, Richmond, spoke as Executive Director for the Fort Bend County Women's Center and thanked the City for their support.

Ron Castillo, 1020 Brand Ln., Stafford, spoke as Executive Director of Fort Bend CORPS and thanked the City for their support.

Manuela Arroyos, P.O. Box 1488, Rosenberg, spoke as Executive Director for Fort Bend Seniors Meals on Wheels and thanked the City for their support.

Anie Ekong, 10434 Deer Branch, spoke as a resident of Missouri City benefiting from the CDBG grant. Ms. Ekong is studying to be a doctor in Internal Medicine and is very thankful for the City supporting her in reaching her dream.

Councilmember Kolaja moved to close the public hearing at 8:40 p.m. Mayor Pro Tem Reiter seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes: None

9. **PUBLIC HEARINGS AND CONSIDERATION OF ZONING ORDINANCES**

There were no Public Hearings and Consideration of Zoning Ordinances at this time.

10. **CONSIDERATION OF ORDINANCES**

- (a) Consider an ordinance of the City Council of the City of Missouri City, Texas, ordering the **2009 General election**; and to **consider the ordinance on the first and final reading.**

Councilmember Wyatt moved to order the **2009 General election on the first and final reading.** Councilmember Kolaja seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes: None

- (b) Consider an ordinance of the City of Missouri City, Texas, **establishing maximum speed limits for all school zones** located within the City, including designated locations and times; providing a penalty; repealing all ordinances or parts of ordinances in conflict therewith; providing for severability; and declaring an emergency; and to **consider the ordinance on the first and final reading.**

Councilmember Jimerson moved to **establish maximum speed limits for all school zones** located within the City, including designated locations and times **on the first and final reading.** Councilmember Gary seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes: None

- (c) Consider an ordinance of the City Council of the City of Missouri City, Texas, **amending** City of Missouri City **Ordinance No. O-02-14**, adopted March 18, 2002, as amended; providing terms and conditions for **employee evaluations** as set forth in the personnel manual; and providing for severability; and to **consider the ordinance on the first of two readings.**

Mayor Pro Tem Reiter suggested that on Section 5-3 Trainee, the blue insertion meets expectations be in quotation marks as the following terms have not yet been defined; meets expectation, exceeds expectations or does not meet expectations. Councilmember Wyatt suggested under Section 8-11, b changing 'supervisors may' to 'supervisors shall'.

Councilmember Wyatt moved to **amend** City of Missouri City **Ordinance No. O-02-14**, adopted March 18, 2002, as amended; providing terms and conditions for **employee evaluations** as set forth in the personnel manual **on the first of two readings** with the added amendments to the ordinance. Councilmember Gary seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes: None

- (d) Consider an ordinance of the City of Missouri City, Texas, **changing the boundaries of Reinvestment Zone Number Two, City of Missouri City**; by the exclusion of **12.090 acres** of land in **Lakeshore Harbour**; containing findings and provisions related to the foregoing subject; providing for severability; and to **consider the ordinance on the second and final reading.**

Councilmember Kolaja moved to **change the boundaries of Reinvestment Zone Number Two, City of Missouri City**; by the exclusion of **12.090 acres** of land in **Lakeshore Harbour on the second and final reading**. Councilmember Jimerson seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt,
Jimerson, Gary, Gibson and Kolaja
Noes: None

11. CONSIDERATION OF RESOLUTIONS

- (a) Consider a resolution of the City Council of the City of Missouri City, Texas, granting consent to **Fort Bend County Municipal Utility District No. 47** to **annex** certain land situated within the corporate limits of the City of Missouri City, Texas.

Councilmember Kolaja moved to grant consent to **Fort Bend County Municipal Utility District No. 47** to **annex** certain land situated within the corporate limits of the City of Missouri City, Texas. Councilmember Gary seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt,
Jimerson, Gary, Gibson and Kolaja
Noes: None

- (b) Consider a resolution of the City Council of the City of Missouri City, Texas, authorizing the purchase from Gulf Coast Water Authority of 15 million gallons per day from the **Gulf Coast Water Authority's Briscoe Canal**.

Councilmember Kolaja moved to authorizing the purchase from Gulf Coast Water Authority of 15 million gallons per day from the **Gulf Coast Water Authority's Briscoe Canal**. Councilmember Wyatt seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt,
Jimerson, Gary, Gibson and Kolaja
Noes: None

13. ADJOURN

With no executive session, the meeting adjourned at 8:50 p.m.

Patrice Fogarty, City Secretary



**Council Agenda Item
March 2, 2009**

4. CONSENT AGENDA

- (b) Consider approving the **Investment Policy Amendment**.
-

Background information attached as follows:

Cover Memo

Investment Policy



Council Agenda Item Cover Memo
March 2, 2009

To: Mayor and City Council
Agenda Item: 4b Consider Approval of Investment Policy Amendment
Prepared by: Wes Vela, Director of Finance
Submitted by: Finance Committee: Mayor Pro Tem Reiter, Councilmember Kolaja and Councilmember Wyatt

SYNOPSIS

The City's investment policy is periodically reviewed by the Finance Committee and any modifications made thereto must be approved by the City Council.

BACKGROUND

The Finance Committee reviewed the investment policy as it relates to required training for the committee members assigned to the committee. The requirement for all committee members (Councilmembers) to obtain investment training within 18 months of being appointed to the committee was amended to require only the Chairperson to obtain such training. This change can be found in Section VI (F) of the attached policy. or not locatable,

FISCAL ANALYSIS

None

STAFF'S RECOMMENDATION

Approve committee's recommendation.

Frank Simpson
City Manager

CITY OF MISSOURI CITY

INVESTMENT POLICY

I. SCOPE OF POLICY

This investment policy shall govern the investment activities of all funds of the City of Missouri City excluding any specific funds cited hereafter. This policy serves to satisfy the state statute requirement to define and adopt a formal investment policy.

A. FUNDS INCLUDED:

All financial assets of all current funds of the City of Missouri City and any new funds created in the future, unless specifically exempted, will be administered in accordance with the objectives and restrictions set forth in this policy. These funds are accounted for in the City's Comprehensive Annual Financial Report and include: General Fund, Special Revenue, Debt Service, Capital Projects, Enterprise, Internal Service and Agency funds.

B. FUNDS EXCLUDED:

This policy shall not govern funds which are managed under separate investment programs. Such funds currently include: funds established by the City for deferred compensation plans, the City's participation in the Texas Municipal Retirement System and defeased bonds that are held in trust escrow accounts. The City will maintain responsibility for these funds as required by Federal and State law and the City Charter and Code.

C. POOLING OF FUNDS:

Except for cash in certain restricted and special funds, the City of Missouri City consolidates cash balances from all funds to maximize investment earnings. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

D. REVIEW AND AMENDMENT OF THE POLICY:

The City Council shall review this investment policy and investment strategies not less than annually. Amendments must be authorized by the City Council.

II. PRUDENCE

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of the capital as well as the probable income to be derived. The standards of prudence to be used by investment officials shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio of funds, rather than a consideration as to the prudence of a single investment. Investment officers acting with accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion to the City Manager and the City Council of the City of Missouri City, and appropriate action is taken in accordance with the terms of this policy.

III. OBJECTIVES OF POLICY

The primary objectives in priority order, of investment activities shall be preservation and safety of principal, liquidity, public trust and yield, expressed as optimization of interest earnings:

A. SAFETY:

The foremost and primary objective of the City’s investment program is the preservation and safety of capital in the overall portfolio. Each investment transaction will seek first to ensure that capital losses are avoided, whether the loss occurs from the default of a security or from erosion of market value. The objectives will be to mitigate credit risk and interest rate risk. To control credit risk, investments should be limited to the safest types of securities, financial institutions, broker/dealers intermediaries and advisers which the City will do business with, should be pre-qualified by the City and diversification of the investment portfolio so that potential losses on individual securities will be minimized.

The City’s investment portfolio shall be designed with the objective of attaining a rate of returns through budgetary and economic cycles, commensurate with the City’s investment risk constraints and cash flow needs.

To control interest rate risk, the Finance Department will structure the investment portfolio so that securities mature to meet cash requirements for ongoing operation.

B. LIQUIDITY:

The City’s investment portfolio will remain sufficiently liquid to enable the City to meet operating requirements that might be reasonably anticipated. Liquidity will be achieved by matching investment maturities with forecasted cash flow funding requirements. Since all possible cash demands cannot be anticipated, a small portion of the portfolio also may be placed in money market

mutual funds or local government investment pools which offer same day liquidity for short term funds.

C. PUBLIC TRUST:

All participants in the investment process will seek to act responsibly as custodians of the public trust. Investment officials will avoid any transactions that might impair public confidence in the City's ability to govern effectively. The governing body recognizes that in a diversified portfolio, occasional measured losses due to market volatility are inevitable, and must be considered within the context of the overall portfolio's investment return, provided that adequate diversification has been implemented.

D. YIELD:

The City's investment portfolio will be designed with the objective of regularly exceeding the average rate of return on three month U.S. Treasury Bills. The care of investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Securities shall not be sold prior to maturity with the following exceptions:

1. A security with declining credit may be sold early to minimize loss of principal.
2. A security swap that would improve the quality, yield or target duration in the portfolio.
3. Liquidity needs of the portfolio require that the security be sold.
4. If market conditions present an opportunity for the City to benefit from the sale.

Funds held for future capital projects will be invested in securities that reasonably can be expected to produce enough income to offset inflationary construction cost increases. However, such funds will never be unduly exposed to market price risks that would jeopardize the assets available to accomplish their stated objective. Investment officials will seek to preserve principal and maximize the yield of these funds in the same manner as all other City funds. However, it is understood that if the yield achieved by the City is higher than the arbitrage yield, positive arbitrage income will be averaged over a five year period and netted against any negative arbitrage income and the net amount shall be rebated to the federal government as required by current federal regulations.

IV. INVESTMENT STRATEGY

A. ACTIVE VS. PASSIVE STRATEGY

The City of Missouri City intends to pursue an active vs. passive portfolio management philosophy. Active management means that the financial markets will be monitored by investment officials and investments will be purchased and sold based on the City's parameters for liquidity and based on

market conditions. Securities may be purchased as a new issue or in the secondary markets. Securities may be sold before they mature if market conditions present an opportunity for the City to benefit from the trade or if changes in the market warrant the sale of securities to avoid future losses. Market and credit risk shall be minimized by diversification.

The portfolio will be structured to benefit from anticipated market conditions and to achieve a reasonable return.

SPECIFIC INVESTMENT STRATEGIES FOR EACH TYPE OF FUND GROUP OF THE CITY ARE AS FOLLOWS:

B. OPERATING FUNDS:

Operating Funds shall have as their primary objective to assure that anticipated cash outflows are matched with adequate investment liquidity. The secondary objective is to create a portfolio structure which will experience minimal volatility during changing economic cycles.

C. CAPITAL PROJECT, SPECIAL REVENUE, ENTERPRISE, INTERNAL SERVICE, AND AGENCY FUNDS:

Capital Project, Special Revenue, Enterprise, Internal Service and Agency Funds shall have as their primary objective to assure that anticipated cash outflows are matched with adequate investment liquidity. These portfolios should have liquid securities to allow for unanticipated project expenditures or accelerated project outlays due to a better than expected or changed construction schedule. The portfolio shall be invested based on cash flow estimates to be supplied by the Public Works Department and the capital project report completed by the accounting division.

D. DEBT SERVICE FUNDS:

Debt Service funds shall have as the primary objective the assurance of investment liquidity adequate to cover the debt service obligation on the required payment date. Securities purchased shall not have a stated maturity date which meets the debt service payment date.

V. FINANCE COMMITTEE

A. MEMBERS:

A Finance Committee, consisting of at least two members of the City Council, as appointed by the Mayor, shall review the City's investment strategies and monitor the results of the investment program at least quarterly. The governing body shall adopt a written instrument by resolution stating that it has reviewed the investment policy and investment strategies. Primary staff liaisons with the Finance Committee for investment deliberations shall be the City Manager and Finance Director or designee. The Finance Committee will be authorized to invite its Auditors or other advisors to meetings as needed.

B. PROCEDURES:

The Finance Committee shall include in its deliberations such topics as economic outlook, investment strategies, portfolio diversification, maturity structure, potential risk to the City's funds, authorized brokers and dealers, rate of return on the investment portfolio, compliance with the investment policy and review of bank depository agreements. The Finance Committee will also advise the City Council of any future amendments to the investment policy that are held necessary or recommended. The Committee may be called to discuss adding or deleting authorized brokers or dealers

VI. RESPONSIBILITY AND CONTROL**A. DELEGATION:**

Oversight management responsibility for the investment program has been delegated to the Finance Director or designee, to establish written procedures and controls for the operation of the investment program, consistent with this investment policy. Such procedures shall include explicit delegation of authority to persons responsible for the daily cash management operation, the execution of investment transactions, overall portfolio management and investment reporting. This delegation of authority has been made to the Finance Director or designee before an investment purchase is finalized.

B. SUBORDINATES:

All persons involved in investment activities shall be referred to as "Investment Officials". No person shall engage in an investment transaction except as provided under the terms of this policy, the procedures established by the Finance Director or designee and the explicit authorization by the City Manager to withdraw, transfer, deposit and invest the City funds. The City Council, by resolution, has authorized the City Manager to appoint these individuals. The Finance Director or designee shall be responsible for all transactions undertaken, and shall establish a system of controls to regulate the activities of subordinate Investment Officials.

C. CONFLICT OF INTEREST:

Investment officials and employees involved in the investment process will refrain from personal business activity that could conflict with proper execution and management of the investment program, or which could impair their ability to make impartial investment decisions. Investment officials and employees shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City.

D. DISCLOSURE:

Investment officials and employees shall disclose to the City Manager any material financial interest in financial institutions that conduct business with the City of Missouri City. Investment officials and employees shall further disclose any material, personal investment positions that could be related to the performance of the City's Investment Portfolio. An investment official who is related within the

second degree by affinity or consanguinity to individuals seeking to sell an investment to the City shall file a statement disclosing that relationship, with the Texas ethics commission and the City Council. A copy will be available for the City Auditor's.

E. QUALITY AND CAPABILITY OF INVESTMENT MANAGEMENT:

The City shall provide periodic training in investments for the designated investment officials and other investment personnel through courses and seminars offered by professional organizations, associations, and other independent sources in order to insure the quality and capability of investment management in compliance with the Public Funds Investment Act.

F. INVESTMENT TRAINING:

Investment officials shall have a finance, accounting or related degree and knowledge of treasury functions. Investment training must take place not less than once in a two year period and receive no less than ten hours of instruction relating to investment responsibilities from an independent source including, but not limited to, GFOA, GTOT, AICPA, and TML approved by the Finance Committee. The Finance Committee Chairperson shall attend at least one training session relating to their cash management and investment responsibilities within eighteen months after assuming these duties for the City. The Finance Director and designee(s) must comply with the state investment act as it relates to training. Training must include education in investment controls, security risks, strategy risks, market risks, and compliance with state investment statutes.

Deleted: Finance Committee Members
(city councilmembers)

VII. AUTHORIZED INVESTMENTS

Funds of the City of Missouri City, Texas may be invested in the following investments, as authorized by Chapter 2256 of the Government Code of the State of Texas, known as the "Public Funds Investment Act", and as authorized by this investment policy. Investments not specifically listed below are not authorized. The City is not required to liquidate an investment that becomes unauthorized subsequent to its purchase.

Sec. 2256.009 Authorized Investments: Obligations of, or Guaranteed by Governmental Entities.

- (a) Except as provided by Subsection (b), the following are authorized investment under this subchapter:
 - (1) Obligations, including letters of credit, of the United States or its agencies and instrumentalities;
 - (2) Direct obligations of this state or its agencies and instrumentalities;
 - (3) Collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States.

- (4) Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, this state or the United States or their respective agencies and instrumentalities; and
 - (5) Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent and
 - (6) Bonds issued, assumed, or guaranteed by the State of Israel.
- (b) The following are not authorized investments under this section:
- (1) Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal;
 - (2) Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;
 - (3) Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years; and
 - (4) Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

Sec. 2256.010 Authorized Investments: Certificates of Deposit.

A certificate of deposit is an authorized investment under this subchapter if the certificate of deposit is issued by a state or national bank with a main office or branch in Texas or a savings bank with a main office or branch in Texas, or state or federal credit union with a main office or branch in Texas and is:

- (1) Guaranteed or insured by the Federal Deposit Insurance Corporation, or its successor or the National Credit Union Share Insurance Fund or its successor;
- (2) Secured by obligations that are described by Section 2256.009(a), including mortgage backed securities directly issued by a federal agency or instrumentality that have a market value of not less than the principal amount of the certificates, but excluding those mortgage-backed securities of the nature described by Section 2256.009(b); or
- (3) Secured in any other manner and amount provided by law for deposits of the investing entity.

Sec. 2256.011 Authorized Investments: Repurchase Agreements.

- (a) A fully collateralized repurchase agreement is an authorized investment under this subchapter if the repurchase agreement:

- (1) has a defined termination date;
 - (2) is secured by obligations described by Section 2256.009(a)(1); and
 - (3) requires the securities being purchased by the entity to be pledged to the entity, held in the entity's name, and deposited at the time the investment is made with the entity or with a third party selected and approved by the entity; and
 - (4) is placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state.
- (b) In this section, "repurchase agreement" means a simultaneous agreement to buy, hold for a specified time, and sell back at a future date, obligations described by Section 2256.009(a)(1) at a market value at the time the funds are disbursed of not less than the principal amount of the funds disbursed. The term includes a direct security repurchase agreement and a reverse security repurchase agreement.
- (c) Notwithstanding any other law, the term of any reverse security repurchase agreement may not exceed 90 days after the date the reverse security repurchase agreement is delivered.
- (d) Money received by an entity under the terms of a reverse security repurchase agreement shall be used to acquire additional authorized investments, but the term of the authorized investments acquired must mature not later than the expiration date stated in the reverse security repurchase agreement.

Sec. 2256.012 Authorized Investments: Banker's Acceptances

A bankers' acceptance is an authorized investment under this subchapter if the bankers' acceptance:

- (1) has a stated maturity of 270 days or fewer from the date of its issuance;
- (2) will be, in accordance with its terms, liquidated in full at maturity;
- (3) is eligible for collateral for borrowing from a Federal Reserve Bank; and
- (4) is accepted by a bank organized and existing under the laws of the United States or any state, if the short-term obligations of the bank or of a bank holding company of which the bank is the largest subsidiary are rated not less than A-1 or P-1 or an equivalent rating by at least one nationally recognized credit rating agency.

Sec. 2256.013 Authorized Investments: Commercial Paper.

Commercial paper is an authorized investment under this subchapter if the commercial paper:

- (1) has a stated maturity of 270 days or fewer from the date of its issuance;

(2) is rated not less than A-1 or P-1, or an equivalent rating by at least:

- (A) two nationally recognized credit rating agencies; or
- (B) one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state.

Sec. 2256.014 Authorized Investment: Mutual Funds.

(a) A no-load money market mutual fund is an authorized investment under this subchapter if the mutual fund:

- (1) is registered with and regulated by the Securities and Exchange Commission;
- (2) provides the investing entity with a prospectus and other information required by the Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.) or the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.)
- (3) has a dollar-weighted average stated maturity of 90 days or fewer; and
- (4) includes in its investment objectives the maintenance of a stable net asset value of \$1 for each share.

(b) In addition to a no-load money market mutual fund permitted as an authorized investment in Subsection (a), a no-load mutual fund is an authorized investment under this subchapter if the mutual fund:

- (1) is registered with the Securities and Exchange Commission;
- (2) has an average weighted maturity of less than two years;
- (3) is invested exclusively in obligations approved by this subchapter;
- (4) is continuously rated as to investment quality by at least one nationally recognized investment rating firm of not less than AAA or its equivalent; and
- (5) conforms to the requirements set forth in Sections 2256.016(b) and (c) relating to the eligibility of investment pools to receive and invest funds of investing entities.

(c) An entity is not authorized by this section to:

- (1) invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds and reserves and other funds held for debt service, in mutual funds described in Subsection (b); or
- (2) invest any portion of bond proceeds, reserves and funds held for debt service, in

- mutual funds described in Subsection (b); or
- (3) invest its funds or funds under its control, including bond proceeds and reserves and other funds held for debt service, in any one mutual fund described in Subsection (a) or (b) in an amount that exceeds 10 percent of the total assets of the mutual fund.

Sec. 2256.015 Authorized Investments: Guaranteed Investment Contracts.

- (a) A guaranteed investment contract is an authorized investment for bond proceeds under this subchapter if the guaranteed investment contract:
 - (1) has a defined termination date;
 - (2) is secured by obligations described by Section 2256.009(a)(1), excluding those obligations described by Section 2256.009(b), in an amount at least equal to the amount of bond proceeds invested under the contract; and
 - (3) is pledged to the entity and deposited with the entity or with a third party selected and approved by the entity.
- (b) Bond proceeds, other than bond proceeds representing reserves and funds maintained for debt service purposes, may not be invested under this subchapter in a guaranteed investment contract with a term of longer than five years from the date of issuance of the bonds.
- (c) To be eligible as an authorized investment:
 - (1) the governing body of the entity must specifically authorize guaranteed investment contracts as an eligible investment in the order, ordinance, or resolution authorizing the issuance of bonds;
 - (2) the entity must receive bids from at least three separate providers with no material financial interest in the bonds from which proceeds were received;
 - (3) the entity must purchase the highest yielding guaranteed investment contract for which a qualifying bid is received;
 - (4) the price of the guaranteed investment contract must take into account the reasonably expected drawdown schedule for the bond proceeds to be invested; and
 - (5) the provider must certify the administrative costs reasonably expected to be paid to third parties in connection with the guaranteed contract.

Sec. 2256.016 Authorized Investment: Investment Pools.

- (a) An entity may invest its funds and funds under its control through an eligible investment pool if the governing body of the entity by rule, order, ordinance, or resolution, as appropriate, authorizes investment in the particular pool. An investment pool shall invest

the funds it receives from entities in authorized investments permitted by this subchapter.

(b) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must furnish to the investment officer or other authorized representative of the entity an offering circular or other similar disclosure instrument that contains, at a minimum, the following information:

- (1) the types of investments in which money is allowed to be invested;
- (2) the maximum average dollar-weighted maturity allowed, based on the stated maturity date, of the pool;
- (3) the maximum stated maturity date any investment security within the portfolio has;
- (4) the objectives of the pool;
- (5) the size of the pool;
- (6) the names of the members of the advisory board of the pool and the dates their terms expire;
- (7) the custodian bank that will safekeep the pool's assets;
- (8) whether the intent of the pool is to maintain a net asset value of one dollar and the risk of market price fluctuation;
- (9) whether the only source of payment is the assets of the pool at market value or whether there is a secondary source of payment, such as insurance or guarantees, and a description of the secondary source of payment;
- (10) the name and address of the independent auditor of the pool;
- (11) the requirements to be satisfied for an entity to deposit funds in and withdraw funds from the pool and any deadlines or other operating policies required for the entity to invest funds in and withdraw funds from the pool; and
- (12) the performance history of the pool, including yield, average dollar-weighted maturities, and expense ratios.

(c) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must furnish to the investment officer or other authorized representative of the entity:

- (1) investment transaction confirmations; and
- (2) a monthly report that contains, at a minimum, the following information:

- (A) the types and percentage breakdown of securities in which the pool is invested;
 - (B) the current average dollar-weighted maturity, based on the stated maturity date, of the pool;
 - (C) the current percentage of the pool's portfolio in investments that have stated maturities of more than one year;
 - (D) the book value versus the market value of the pool's portfolio, using amortized cost valuation;
 - (E) the size of the pool;
 - (F) the number of participants in the pool;
 - (G) the custodian bank that is safekeeping the assets of the pool;
 - (H) a listing of daily transaction activity of the entity participating in the pool;
 - (I) the yield and expense ratio of the pool;
 - (J) the portfolio managers of the pool; and
 - (K) any changes or addenda to the offering circular.
- (d) An entity by contract may delegate to an investment pool the authority to hold legal title as custodian of investments purchased with its local funds.
- (e) In this section, "yield" shall be calculated in accordance with regulations governing the registration of open-end management investment companies under the Investment Company Act of 1940, as promulgated from time to time by the Federal Securities and Exchange Commission.
- (f) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, a public funds investment pool created to function as a money market mutual fund must mark its portfolio to market daily, and, to the extent reasonably possible, stabilize at a \$1 net asset value. If the ratio of the market value of the portfolio divided by the book value of the portfolio is less than 0.995 or greater than 1.005, portfolio holdings shall be sold as necessary to maintain the ratio between 0.995 and 1.005.
- (g) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, a public funds investment pool must have an advisory board composed
- (1) equally of participants in the pool and other persons who do not have a business

relationship with the pool and are qualified to advise the pool, for a public funds investment pool created under Chapter 791 and managed by a state agency; or

- (2) of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for other investment pools.
- (h) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.

All prudent measures will be taken to liquidate an investment that is downgraded to less than the required minimum rating.

VIII. INVESTMENT REPORTS

The Finance Director or designee shall submit quarterly an investment report including a management summary that provides an analysis of the status of the current investment portfolio and transactions made over the last quarter. This management summary will be prepared in a manner which will allow the City to ascertain whether investment activities during the reporting period have conformed to the investment policy. The report should be provided to the City Council, the City Manager and the Finance Committee. The reports prepared by the investment officer shall be formally reviewed at least annually by an independent auditor and the result of the review shall be reported to council by that auditor. This report must be presented within 90 days of the end of the quarter reporting period. The report must contain the following information:

- A. Investment position of the City on the date of the report;
- B. Prepare jointly by all investment officials of the City;
- C. A signature of each investment official of the City;
- D. A summary statement prepared in compliance with generally accepted accounting principles, of each pooled fund or individual portfolio, sorted by type of asset, that states the fully accrued income for the reporting period; beginning market value for the operating period; additions and changes to the market during the period; ending market value for the period; and the resulting change in market value that may have occurred and a comparison of the same to the previous quarter;
- E. A comparison of book value vs. market value and the unrealized gain or loss at the end of the period and the comparison to the previous period by asset type and fund type invested;
- F. State the duration or average maturity of each portfolio;

- G. State the accounting fund or pooled group fund for which individual investments were acquired, by name or number or both.
- H. State the compliance of the investment portfolio as it relates to the investment strategy expressed in the City's investment policy and compliance with all laws governing the City's investments;
- I. Disclose the investment income earned and yields, by portfolio;
- J. Disclose the investment income earned, by accounting fund;
- K. Demonstrate the diversification of the City's investments;
- L. Provide a summary of economic activity and recent financial market conditions; and
- M. Provide a listing of broker/dealers and financial institutions with whom the City council has approved the City to conduct business with.

IX. PORTFOLIO AND INVESTMENT ASSET PARAMETERS

A. BIDDING PROCESS FOR INVESTMENTS:

Investment officials for the City may accept bids for certificates of deposit and for all marketable securities either orally, in writing, electronically, or in any combination of these methods. The investment official will strive to receive two or three price quotes on marketable securities being sold, depending on time constraints. Investments purchased shall be shopped competitively between approved financial institution and broker/dealers. Security swaps are allowed as long as maturity extensions, credit quality changes and profits or losses taken are within the other guidelines set forth in this policy.

B. MAXIMUM MATURITIES:

The City of Missouri City will manage its investments to meet anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not directly invest in securities maturing more than five years from the date of purchase; however, the above described obligations, certificates, or agreements may be collateralized using longer dated investments.

The composite portfolio will have a weighted average maturity (WAM) of two (2) years or less. This dollar weighted average maturity will be calculated using the stated final maturity dates of each security.

C. DIVERSIFICATION:

It is the policy of the City of Missouri City to diversify its investment portfolios. Assets held in each

investment portfolio shall be diversified to eliminate the risk of loss resulting from one concentration of assets in a specific maturity, a specific issuer or a specific class of securities. Diversification strategies shall be determined and revised periodically by the Finance Committee.

The Finance Director or designee shall review diversification strategies and establish or confirm guidelines on a quarterly basis regarding the percentages of the total portfolio that may be invested in securities other than treasuries and agencies. The Finance Committee shall review the quarterly investment reports and call a meeting as needed to discuss strategies.

D. PRICING

Market price for investments acquired for the City's Investment Portfolio shall be priced using independent pricing sources and market value monitored at least quarterly and included in the quarterly investment reports. When purchasing an investment at least three broker quotes will be required.

X. SELECTION OF DEPOSITORY, FINANCIAL INSTITUTIONS AND BROKER/DEALERS

A. BIDDING PROCESS:

Depositories shall be selected through the City's banking services procurement process, which shall include a formal request for proposal (RFP) issued not less than every three years. In selecting depositories, the credit worthiness of institutions shall be considered, and the Finance Director or designee shall conduct a comprehensive review of prospective depositories credit characteristics and financial history. Prospective depositories will also be presented to the Finance Committee for their review. No public deposit shall be made except in a qualified public depository as establish by the state depository laws.

B. AUTHORIZED DEPOSITORY, FINANCIAL INSTITUTIONS AND BROKER/DEALERS:

The Finance Director or designee will maintain a list of financial institutions who are authorized to provide investment services to the City. These firms must first be approved by City Council and contracts signed before investments may be placed with these financial institutions. All financial institutions who desire to become qualified bidders for investment transactions must supply the Finance Director or designee with the following:

1. Audited financial statements;
2. Proof of National Association of Securities Dealers (N.A.S.D.) certification;
3. Proof of registration with the State Securities Board;

4. Resumes of all sales representatives who will purchase or sell securities or otherwise represent the financial institution or broker/dealers firm in their dealing with the City; and responses to the City's request for proposals.
5. Texas Public Funds Investment Act Acknowledgements from a Business Organization "Qualified Representative" of the financial institution or broker/dealer and all sales representatives on the City's account that they have received, read, understood and agreed to comply with the City's investment policy. The qualified representative shall execute a written instrument acceptable to the City and the business organization.

A list of these approved financial institutions and broker/dealers shall be maintained in an appendix of this Investment Policy document and the approved list will be reviewed at least yearly to determine if additions or deletions are needed. These additions or deletions will be taken to the committee and approved by City Council.

Investments shall only be made with those firms and institutions who have:

1. Acknowledged receipt and understanding of the City's Investment Policy. The registered principal of the business shall execute a written Public Fund Investment Act Acknowledgement, receipt of the City's Investment Policy and ensured that reasonable procedures and controls have been implemented to preclude investment transactions that are not authorized by the City's Investment Policy.
2. Met the qualifications and standards established by the City's Finance Committee as set forth in the Investment Policy.
3. Have completed the City's request for proposal of Investment Services.

IX. COLLATERALIZATION OF CITY'S DEPOSITS

A. INSURANCE OR COLLATERAL PLEDGED:

Collateralization shall be required on depository bank deposits, certificates of deposit, and repurchase (and reverse) agreements in accordance with the "Public Funds Collateral Act" and depository laws. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will not be less than 100% of market value of an investment security or the face value of a surety bond and accrued interest, less the extent that the United States or an instrumentality of the United States insures the deposit, such as reducing certain collateral by \$100,000, which represents insurance by the FDIC or FSLIC on certain types of bank deposits. Evidence of the pledged collateral shall be documented by a safekeeping agreement or a master repurchase agreement with the collateral pledged clearly listed in the agreement and safekeeping confirmations. Collateral shall be monitored timely to ensure that the market value of the securities pledged equals or exceeds the collected depository balance.

B. COLLATERAL DEFINED:

The City of Missouri City shall accept only the following insurance and securities as collateral for cash deposits, certificates of deposit, and repurchase agreements:

1. FDIC insurance coverage.
2. Obligations of the United States of America, its agencies and instrumentalities, including agency and instrumentality issued mortgage backed collateral.
3. Other obligations, the principal of an interest on which are unconditionally guaranteed or insured by the State of Texas or the United States of America or its agencies and instrumentalities.
4. Obligations of states, agencies thereof, counties, cities, and other political subdivisions of any state having been rated as to investment quality by a nationally recognized investment rating firm and having received a rating of no less than A or its equivalent.

C. COLLATERAL SAFEKEEPING AGREEMENT:

Collateral will always be held by an independent third party with whom the entity has a current custodial agreement. A clearly marked evidence of ownership (safekeeping receipt) must be supplied to the City and retained. The safekeeping agreement must clearly define the responsibility of the safekeeping bank. The safekeeping institution shall be the Federal Reserve Bank or an institution not affiliated with the financial institution or broker/dealer that is pledging the collateral. The Finance Director or designee is responsible for entering into collateralization agreements with third party custodians in compliance with this policy. The safekeeping agreement shall include the authorized signatories of the City and the firm pledging collateral. The agreements shall also, specify the acceptable investment securities for collateral, including provisions relating to possession of the collateral, the substitution or release of investment securities, ownership of securities, and the method of valuation of securities.

D. AUDIT OF PLEDGED COLLATERAL:

All collateral shall be subject to verification and audit by the Finance Director or designee and the City's independent auditors.

XII. SAFEKEEPING AND CUSTODY OF INVESTMENT ASSETS

All security transactions, including collateral for repurchase (reverse) agreements entered into by the City shall be conducted using the delivery vs. payment (DVP) basis. That is, funds shall not be wired or paid until verification has been made that the correct security was received by the safekeeping bank. The safekeeping or custody bank is responsible for matching up instructions from

the City's investment officials on an investment settlement with what is wired from the broker/dealer, prior to releasing the City's designated funds for a given purchase. The security shall be held in the name of the City or held on behalf of the City. Securities will be held by a third party custodian designated by the Finance Director or designee and evidenced by safekeeping receipts. The safekeeping bank's records shall assure the notation of the City's ownership of or explicit claim on the securities. The original copy of all safekeeping receipts shall be delivered to the City. A safekeeping agreement must be in place which clearly defines the responsibilities of the safekeeping bank.

XIII. MANAGEMENT AND INTERNAL CONTROLS

The Finance Director or designee shall establish a system of internal controls which shall be designed to prevent losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by investment officials of the City.

Controls and managerial emphasis deemed most important that shall be employed where practical are:

- A. Control of collusion.
- B. Separation of duties.
- C. Separation of transaction authority from accounting and record keeping.
- D. Custodian safekeeping receipts records management.
- E. Documentation of investment bidding events.
- F. Written confirmations from broker/dealers and financial institutions.
- G. Reconcilements and comparisons of security receipts with the investment subsidiary records.
- H. Compliance with investment policies.
- I. Accurate and timely investment reports as required by law and this policy.
- J. Adequate training and development of Investment Officials.
- K. Review of financial condition of all broker/dealers, and depository institutions.
- L. Staying informed about market conditions, changes, and trends that require adjustments in investment strategies.

The above list of internal controls represents only a partial list of a system of internal controls. An annual process of independent review by an external auditor shall be established. This review will provide internal control by assuring compliance with laws, policies and procedures. This annual compliance audit is required by the “Public Funds Investment Act” [Section 2256.005 (m)].

XIV. INVESTMENT POLICY ADOPTION

The City’s investment policy shall be adopted by resolution of the City Council. The policy and investment strategies shall be reviewed on an annual basis by the Finance Committee and any modifications made thereto must be approved by the City Council.

Appendix

Approved Broker/Dealer List

Wells Fargo

Houston, TX 77002
713-319-1114
713-739-1037 fax
Ramon Gilbert, VP
ramongh@wellsfargo.com

Logic
800.895.6442

Coastal Securities
Houston, TX 77056
713.435.4334
713-435-4534 fax
Tony Sekaly, VP
tony.sekaly@coastalsecurities.com
tds@coastalsecurities.com

Texpool
888.839.7665

Wachovia Securities
League City, TX 77573
Don Burrows
281-538-0270
281-538-0218 fax
713.599.6772
Donald.burrows@wachoviasec.com

Cantor Fitzgerald & Co.
Dallas, TX 75254
(800) 883-6332
214-866-0410
972-385-0691 fax
Gregory Thompson
abscredit@bloomberg.net
gthompson@cantor.com

Amegy Bank
Houston, TX
713.888.4608
713-261-0241 fax
Bill Phelan
William.Phelan@amegybank.com



**Council Agenda Item
March 2, 2009**

4. CONSENT AGENDA

- (c) Consider authorizing **repairs** to the **Sta-Mo Lift Station**.

Background information attached as follows:

Cover Memo



Council Agenda Item Cover Memo
March 2, 2009

To: Mayor and City Council
Agenda Item: 4c Consider authorizing repairs to the **Sta-Mo Park Lift Station**.
Prepared by: Charles Oberrender, CPPB, Purchasing Manager
Submitted by: Kelly Snook, Director of Parks and Recreation

SYNOPSIS

Staff desires to make repairs to the lift station at Sta-Mo Park. Council approval is requested as the cost of the repairs is in excess of \$25,000.

BACKGROUND

The existing lift station was installed in 1993. Quail Valley MUD assists with the ongoing maintenance of the facility. This unit has difficulty in maintenance due to age and lack of available parts for repair. PARD has replaced the pump many times as well as other parts, as the parts wear out rapidly due to heavy use. The MUD has recommended the replacement of this lift station.

Quail Valley Utility District will make the repairs by replacing the existing lift station for the City for an amount of \$29,371. The new lift station unit would be more efficient and will not require nearly as much in recurring maintenance and repair costs. Although the replacement cost is \$29,371, the City will save an estimated \$1,800 per year in repair costs.

FISCAL ANALYSIS

FY09 Funds Budgeted	Funding Source	Account Number	Project Number	FY09 Funds Actual Cost
\$31,393	CIP	403-0000-668-7003	PK0003	\$29,371

STAFF'S RECOMMENDATION

Authorize the City Manager to contract with Quail Valley Utility District to repair the lift station at Sta-Mo Park for an amount not to exceed \$29,371.00.

Bill Atkinson
Assistant City Manager



**Council Agenda Item
March 2, 2009**

4. CONSENT AGENDA

- (d) Consider negotiating and executing an agreement with **AECOM** for **engineering services** for Year 2 of the **Stormwater Management Program**.

Background information attached as follows:

Cover Memo



Council Agenda Item Cover Memo
March 2, 2009

To: Mayor and City Council
Agenda Item: **4d** Consider negotiating and executing an agreement with **AECOM** for **engineering services** for year 2 of the **Stormwater Management Program**.
Prepared by: Charles Oberrender, CPPB, Purchasing Manager
Submitted by: Jing J. Chen, P.E., Asst City Engineer
Scott Elmer, P.E., Director of Public Works

SYNOPSIS

Staff seeks Council approval to negotiate and execute an agreement for professional engineering services to implement certain activities within Year 2 of storm water quality management program.

BACKGROUND

The City and 15 other MUDs have entered into an agreement to jointly implement a 5-year Storm Water Management Program (SWMP) to ensure water quality in public waterways. The City has been able to complete the implementation of Year 1 activities in-house and expects to obtain the Texas Pollutant Discharge Elimination System (TPDES) Permit with AECOM's help within the next month. Since August 2008, Year 2 of the program began, which contains some intensive mapping and program development requirements. Staff seeks AECOM's assistance again to conduct activities such as illicit discharge detection and elimination, City-wide storm drainage system map, septic system identification and inspection, and drafting portions of the storm water ordinance.

Staff met with council Consultant Selection Committee (CSC) on February 16, 2009 to explain the scope of work and obtain preliminary approval for engaging AECOM's service. Upon CSC's approval, Staff proceeded to undergo negotiations with AECOM to finalize a scope of work and acceptable fee for services.

Staff recommends an award not exceed \$49,753.00 with AECOM to perform certain activities under SWMP Year 2 implementation. The source of funding will come from an annual operational budget established mainly to carry out activities under the storm water management program.

FISCAL ANALYSIS

FY09 Funds Budgeted	Funding Source	Account Number	Project Number	FY09 Funds Actual Cost
\$78,000	Operational	101-5040-553-3017	n/a	\$49,753

STAFF'S RECOMMENDATION

Authorize the City Manager to negotiate and execute an agreement for storm water management program year-2 implementation with AECOM for an amount not to exceed \$49,753.00.

Bill Atkinson
Assistant City Manager



**Council Agenda Item
March 2, 2009**

4. CONSENT AGENDA

- (e) Consider authorizing the Mayor to execute an **Interlocal Agreement for Mutual Aid Fire Protection** between Missouri City Fire & Rescue Services and **Rosharon Volunteer Fire Department**.

Background information attached as follows:

Cover Memo

Agreement



Council Agenda Item Cover Memo
March 2, 2009

To: Mayor and City Council
Agenda Item: **4e** Authorize the Mayor to execute an **Interlocal Agreement for Mutual Aid Fire Protection** between Missouri City Fire & Rescue Services and **Rosharon Volunteer Fire Department**.

Submitted by: Russell Sander, Fire Chief

SYNOPSIS

Authorize the Mayor to execute the Interlocal Agreement for Mutual Aid Fire Protection between Missouri City Fire & Rescue Services and Rosharon Volunteer Fire Department.

BACKGROUND

This is an Interlocal Agreement for Mutual Aid Fire Protection between Missouri City Fire & Rescue Services and Rosharon Volunteer Fire Department. Both departments agree to provide assistance at fires when requested, if they are available. Rosharon has a 2000-gallon fire tanker that will assist in providing water for building fires in the areas of Missouri City without established water supply systems. Additionally, Rosharon has smaller fire trucks that are capable of traveling off-road to fight grass fires that larger and heavier fire trucks cannot access. Missouri City Fire & Rescue agrees to assist at fires in Rosharon when requested for structure fires. Staff estimates requesting or responding to requests for mutual aid with Rosharon one or two times per year. In addition, one of the National Incident Management System goals is to have mutual aid contracts with neighboring agencies. This agreement will establish mutual aid with neighboring jurisdictions to the east of Missouri City.

This agreement is good for one year and automatically renews each year for five years. Either party may withdraw from the agreement with 30 days written notice.

FISCAL ANALYSIS

None

STAFF'S RECOMMENDATION

Authorize the Mayor to sign the agreement.

Frank Simpson
City Manager

AGREEMENT FOR MUTUAL AID AND RESPONSE

This **AGREEMENT FOR MUTUAL AID AND RESPONSE** ("Agreement") is made and entered into by **ROSHARON VOLUNTEER FIRE DEPARTMENT** and **THE CITY OF MISSOURI CITY**. The effective date of this Agreement is December 15 2008.

The Parties desire to enter into an **AGREEMENT FOR MUTUAL AID AND RESPONSE** wherein the equipment, facilities, and trained emergency services personnel of each Party may be made available to the other Party when requested.

FOR AND IN CONSIDERATION of the mutual covenants and promises herein the City of Missouri City and Rosharon Volunteer Fire Department, individually and together, agree as follows:

I. PARTIES

A. **ROSHARON VOLUNTEER FIRE DEPARTMENT** ("ROSHARON VFD" or "Department") is a Texas volunteer fire department operating in Brazoria County, Texas, under a service contract with Brazoria County Emergency Services District No. 3 (ESD 3), and providing fire protection, fire suppression, hazardous materials response and emergency rescue services (collectively "emergency services") to the persons and property within the ROSHARON VFD service area, within the geographic boundaries of ESD 3.

B. **CITY OF MISSOURI CITY** ("MISSOURI CITY" or "City") is a Texas home-rule municipality, operating within the municipal and corporate boundaries of the City of Missouri City, located in Fort Bend County and Harris County, Texas, providing fire protection, fire suppression, hazardous materials response and emergency rescue services (collectively "emergency services") to the persons and property within the jurisdictional and extraterritorial jurisdictional boundaries of the City by and through the **Missouri City Fire & Rescue Services**, a department or agency of the municipal government of Missouri City, and providing fire protection and suppression and emergency rescue services

(collectively "emergency services") to the persons and property within the jurisdictional extraterritorial jurisdictional boundaries of Missouri City.

II. FINDINGS

A. The coverage areas for which the Parties provide emergency services are in close geographic proximity to one another.

B. The Parties find that each and all Parties and their respective constituencies will benefit by a plan to modify and improve emergency services response protocols of Rosharon VFD and the Missouri City Fire & Rescue Services in order to improve the delivery of emergency services to the collective geographic boundaries of Rosharon VFD's coverage area and Missouri City.

III. DEFINITIONS

A. Incident Commander means the individual responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources. The Incident Commander has overall authority and responsibility for conducting incident operations and is responsible for the management of all incident operations at the incident site.

B. Mutual Aid means the reciprocal assistance in which one Party will provide Emergency Services to another Party.

C. Party means either the City of Missouri City or the Rosharon Volunteer Fire Department, while Parties means both City of Missouri City and the Rosharon Volunteer Fire Department.

D. Emergency Services means fire protection, fire suppression, hazardous materials response and emergency rescue services.

E. Emergency Services Coverage Area means the jurisdictional boundaries of the City of Missouri City and all extraterritorial jurisdiction in which the City of Missouri City is responsible or the Rosharon VFD coverage area within the boundaries of Brazoria County Emergency Services District No. 3, to which Rosharon VFD provides emergency services under service contract with Brazoria County Emergency Services District No. 3.

IV. SCOPE OF SERVICES (DUTIES AND RIGHTS)

A. During the term of this Agreement, the Parties agree to provide, upon request, such Mutual Aid and emergency services personnel and to make available such equipment or facilities as may be needed for the suppression of fires or the duties and responsibilities associated with saving lives and property within the emergency services coverage area of the requesting Party, provided that the personnel, equipment or facilities requested are not otherwise required within the emergency services coverage area of the providing Party as determined by the Fire Chief or his/her designee. It is expressly understood and agreed by all Parties hereto that no providing Party shall be required to use any equipment, facilities or personnel where such use would prevent or disrupt adequate protection of its own emergency services coverage area. Requests for Mutual Aid made pursuant to this Agreement shall be made by and to the respective Fire Chiefs or their designees.

B. The Parties agree that a request for Mutual Aid will only be made when an emergency occurs in their emergency services coverage area that cannot be handled by the resources of that Party.

C. Each Party shall:

- (1) Maintain the workforce and equipment needed to provide emergency services within its emergency services coverage area;
- (2) Maintain an emergency action plan for activating personnel and equipment within its emergency services coverage area to insure that it can respond to a request for Mutual Aid;
- (3) Maintain established procedures for the mitigation of emergencies; and
- (4) Provide the other Party with a current list of the personnel, materials, and equipment that, under most circumstances, could be provided to the Party requesting Mutual Aid under this Agreement.

D. The Parties agree that no funds are allocated and none are committed or available to perform the services under this Agreement.

E. Each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party.

V. DIRECTION AND CONTROL

The Party providing Mutual Aid shall be under the direction and control of its own personnel, equipment and facilities but will report to the Incident Commander of the requesting Party and receive assignments for service.

VI. EQUIPMENT AND CONSUMABLE RESOURCES

A. The condition of the equipment used in a mutual aid response is the sole responsibility of the Party providing the equipment in the mutual aid response. If the equipment is damaged or destroyed while providing Mutual Aid, the Party providing the equipment will bear the financial responsibility for the repair or replacement of such equipment. The requesting Party will never be responsible for damage to equipment, injury or death to persons or for the actions of the providing Party.

B. Each Party shall bear the costs for their own consumable resources or equipment used during a mutual aid response.

VII. LIABILITY

A. Notwithstanding the provisions of the Texas Government Code or the Texas Local Government Code, and unless prohibited by Texas law, the Parties agree that each shall only be responsible for its own actions and those of its officers, agents, employees and representatives while providing emergency services including traveling to or from the emergency scene, or in any manner providing services pursuant to and within the scope of this Agreement or a supplement hereto. It is expressly understood and agreed by the Parties that neither shall be held liable for the actions of the other Party or any of the other Party's officers, agents, employees and representatives while in any manner

furnishing services hereunder. No Party assumes liability for the acts or omissions of persons other than each Party's respective officers, agents or employees. In the event of any suit or action brought against a Party based upon the actions of the other Party, then to the extent allowed by law and without waiving any immunities or limitations of liability the second Party agrees to defend, indemnify and hold harmless the first Party to the extent that the first Party's liability, if any, is based upon acts or omissions of the second Party. This assignment of liability is intended to be different from the liability set forth in Section 791.006(a) of the Texas Government Code, as allowed by Subsection (a-1).

B. Neither Party will be liable to the other Party for the other Party's costs or losses rendered under this Agreement.

C. By entering into this Agreement, neither party waives any of the immunities provided by the Texas Government Code or the Texas Local Government Code or other applicable provisions of law. This Agreement is not intended to confer any legal rights or benefits on any person or entity other than the Parties of this Agreement.

VIII. EFFECTIVE DATE OF AGREEMENT, NOTICE and MISCELLANEOUS PROVISIONS

A. This Agreement will become effective when executed by both Parties and shall terminate one (1) year from that date. The Agreement shall automatically renew for successive one (1) year terms up to five (5) such terms unless terminated as provided. Any Party may terminate this Agreement for any reason, by giving thirty (30) days written notice to the other Party.

B. Unless otherwise provided herein, any notice, tender or delivery to be given hereunder by one Party to the other may be effected by personal delivery in writing; by registered or certified mail with return receipt requested; or by sending the same by facsimile or email transmission with confirming copy sent by first-class mail. Mailed notices shall be addressed as set forth below, but either Party may change its address by written notice in accordance with this section.

City of Missouri City
Frank Simpson, City Manager
1522 Texas Parkway
Missouri City, Texas 77489
fsimpson@missouricitytx.gov

Rosharon Volunteer Fire Department
Fire Chief
P.O. Box 369
Rosharon, Texas 77583

Brazoria County Emergency Services District No. 3
c/o Coveler & Katz, PC
820 Gessner, Suite 1710
Houston, Texas 77024

- C. If any provision of this Agreement is held to be invalid, the invalidity does not affect the remaining provisions of this Agreement.
- D. The validity, interpretation, and performance of this Agreement shall be governed by the laws of the State of Texas.
- E. Any suit brought to enforce, interpret, or receive damages under any provision of this Agreement shall be brought in Fort Bend County, Texas, where venue for all matters hereunder is stipulated.
- F. This Agreement contains the whole agreement between the Parties relating to the Mutual Aid matters contemplated by this Agreement and supersedes all previous understandings and agreements between the Parties relating to these transactions. This Agreement may be amended only by the mutual written consent of the Parties.
- G. The approval of this Agreement by Brazoria County Emergency Services District No. 3 is required under the service contract between Rosharon VFD and Brazoria County Emergency Services District No. 3 only to the extent that Brazoria County Emergency Services District No. 3's resources (operations funding, fire fighting apparatus and equipment) may be used in carrying out Rosharon VFD's duties under this agreement. Brazoria County Emergency Services District No. 3 is not involved in the actual provision of emergency

services and does not direct any Party in the provision of the emergency services which may be rendered under this agreement. To the extent allowed by law and without waiving any immunities or limitations of liability both Parties agree to indemnify and hold harmless Brazoria County Emergency Services District No. 3 from liability under any suit or action brought by any third party based upon Brazoria County Emergency Services District No. 3's approval and participation in this agreement and to the extent allowed by law and without waiving any immunities or limitations of liability, Brazoria County Emergency Services District No. 3 agree to indemnify and hold harmless the City from liability under any suit or action brought by any third party based upon Brazoria County Emergency Services District No. 3's actions.

EXECUTED by the individuals below on behalf of their respective governing body
on the date indicated therein.

ATTEST:

CITY OF MISSOURI CITY

By: _____
Patrice Fogarty
City Secretary

By: _____
Allen Owen
Mayor

APPROVED AS TO FORM:

By: _____
Caroline Kelley
City Attorney

ATTEST:

**ROSHARON VOLUNTEER FIRE
DEPARTMENT**

By: Michelle Morgan
Title Secretary

By: [Signature]
Joe Stepchinsky
Fire Chief

ATTEST:

**BRAZORIA COUNTY EMERGENCY
SERVICES DISTRICT NO. 3**

By: [Signature]
Neal Morton
Secretary

By: [Signature]
Richard Davis
President



**Council Agenda Item
March 2, 2009**

4. CONSENT AGENDA

- (f) Consider authorizing Mayor Owen to cast the City's votes for the two Small Cities' representatives to the **METRO Board**.

Background information attached as follows:

Cover Memo



Council Agenda Item Cover Memo
March 2, 2009

To: Mayor and City Council
Agenda Item: 4f METRO Board Representatives
Submitted by: Patrice Fogarty, City Secretary

SYNOPSIS

Council is being asked to authorize Mayor Owen to cast the City's votes for the Small Cities' representatives to the METRO Board.

BACKGROUND

Authorize Mayor Owen to cast the City's votes for the Small Cities' representatives to the METRO Board as follows: Burt Ballanfant and C. Jim Stewart, III, for another term.

FISCAL ANALYSIS

N/A

STAFF'S RECOMMENDATION

Authorize Mayor Owen to cast votes for two representatives to the METRO Board.

Frank Simpson
City Manager



**Council Agenda Item
March 2, 2009**

5. **APPOINTMENTS** – *There are no Appointments at this time.*
-



**Council Agenda Item
March 2, 2009**

6. AUTHORIZATIONS BY COUNCIL

- (a) Consider the acceptance of the **Texas Parkway/Cartwright Road** corridors **redevelopment plan** and authorize City Staff to initiate an **implementation strategy**.
-

Background information attached as follows:

Cover Memo

George Johnson/Civic Design Redevelopment Plan – Hard copy is available for viewing at City Hall.

TIRZ 1 Revitalization Map



Council Agenda Item Cover Memo

March 2, 2009

To: Mayor and City Council
Agenda Item: **6a** Consider the acceptance of the **Texas Parkway/Cartwright Road Corridors Redevelopment Plan** and authorize City Staff to initiate an **implementation strategy**.
Submitted by: Frank Simpson, City Manager

SYNOPSIS

Now that the Texas Parkway/Cartwright Road Corridors Redevelopment Plan has been completed, Council is being asked to formally accept the report and authorize City Staff to initiate an implementation strategy.

BACKGROUND

In January 2008, the Missouri City Development Authority engaged George E. Johnson Development and Civic Design Associates to prepare a redevelopment plan. After four public meetings and events seeking input, the plan was presented to the community in an open house or town hall meeting concept on December 16, 2008. The City Council is now being requested to formally accept this report and have it serve as a guide and resource for the revitalization and redevelopment of Texas Parkway and Cartwright Road.

In addition, Council is being requested to authorize City Staff to initiate implementation of the plan. While it has been stressed that to achieve the desired end result, it will take a number of years and include public and private participation and cooperation. However, as discussed during City Council's planning session in late January 2009, it is critical to take the first steps in implementing the plan sooner rather than later.

Staff will present an initial implementation strategy at the meeting that will specifically include the following two elements:

- 1) Engage a professional engineer to develop a preliminary engineering report (PER) for both short term and future improvements to the two corridors including functional and aesthetic enhancements such as sidewalks/trails, lighting, landscaping, intersection widening, etc.
- 2) Start the formal process to expand the City's existing TIRZ 1 to include all open and commercial tracts abutting the two corridors.

FISCAL ANALYSIS

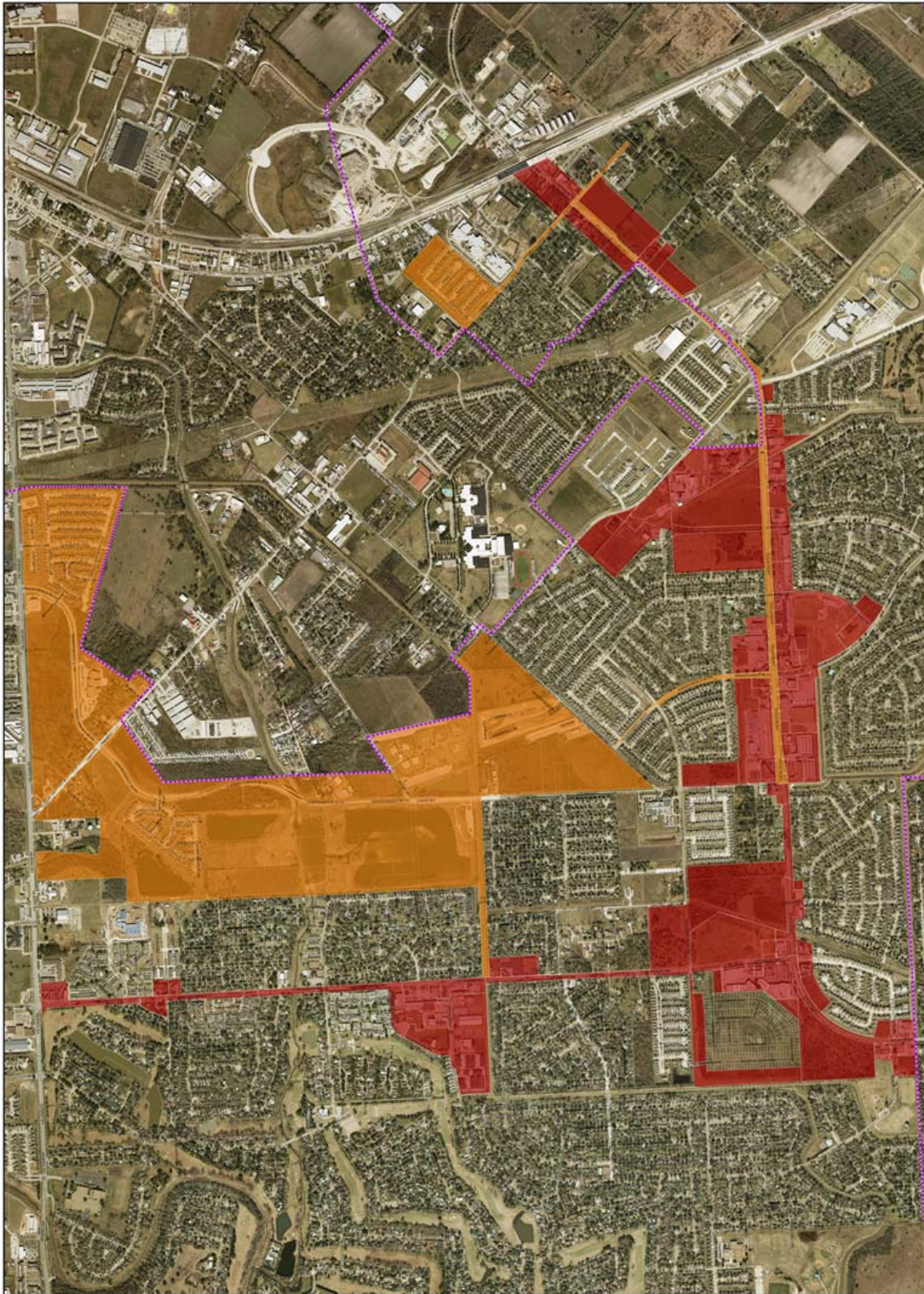
There is no fiscal impact for the requested Council action on this agenda matter. Any future expenditures or other matters having fiscal impact will be approved by City Council at future meetings after further fiscal analysis is made.

STAFF'S RECOMMENDATION

Accept the Texas Parkway/Cartwright Road Corridors Redevelopment Plan as presented to the community on December 16, 2008 and authorize City Staff to initiate an implementation strategy.



Frank Simpson
City Manager



Texas Parkway & Cartwright Rd. Revitalization

Legend

-  Existing TIRZ 1
-  Proposed Addition to Existing TIRZ 1
-  City Limits Line

0 500 1,000 2,000 Feet

This map has been produced from various sources. Every effort has been made to ensure the accuracy of this map. However, Missouri City assumes no liability or damages due to errors or omissions. If any errors are detected, please contact Public Works, Engineering Division so that they may be corrected.

Geographic Coordinate System
North American Datum 1983
(NAD83)



Map By:
GIS Engineering
February 2009



**Council Agenda Item
March 2, 2009**

6. AUTHORIZATIONS BY COUNCIL

- (b) Consider awarding contract for the **reconstruction** of **Turtle Creek Drive**.

Background information attached as follows:

Cover Memo

Construction of Turtle Creek Drive Improvements



Council Agenda Item Cover Memo
March 2, 2009

To: Mayor and City Council
Agenda Item: **6b** Consider awarding a contract for the **reconstruction of Turtle Creek Drive.**
Prepared by: Valerie Ruda, Project Manager
Submitted by: Scott R. Elmer, P.E., Public Works Director
Charles Oberrender, CPPB, Purchasing Manager

SYNOPSIS

The reconstruction of Turtle Creek Drive is necessary due to the current failing conditions of the roadway. The Purchasing Office and the Public Works Department desire to award a contract for the reconstruction. The contract amount is over \$50,000 and therefore requires action by Council.

BACKGROUND

Turtle Creek Drive is predominately a twenty-eight (28) foot back-to-back, concrete curb and gutter roadway that functions as a major collector. As highlighted in the Capital Improvements Program (CIP) for 2007, the roadway is approaching its expected service life. Maintenance and rehabilitation are not cost effective at this point and complete reconstruction is necessary.

In an effort to effectively utilize resources and ensure an adequate integration of the roadway as it traverses Roane Park, the scope of the project has been slightly broadened to include realigning the road to the out skirts of the park. This will increase the safety of the residents using the park.

The design engineer, Aguirre & Fields, developed specifications for the project. The Turtle Creek Drive Reconstruction project consists of site preparation, bank stabilization, bridge removal and reconstruction over Mustang Bayou, paving, signage, grading, and stripping.

The Purchasing Office prepared & advertised IFB #160-09. Eleven bids were received and opened on February 9th. They were:

TJ&T Enterprises, Inc.	\$2,522,138.80	Triple B Services	\$2,863,436.11
SER Construction	\$2,550,355.40	South Coast Construction	\$2,896,350.62
Harris Construction	\$2,576,751.95	Texas Sterling Construction	\$3,034,268.45
Bay Utilities	\$2,644,723.45	Cravens Partners	\$3,186,535.00
Angel Brothers Enterprises	\$2,700,543.40	Total Contracting	\$3,454,197.05
Beyer Construction	\$2,855,192.72		

TJ&T Enterprises, Inc. was the apparent low bidder with a total bid of \$2,522,138.80 and 280 days to completion. Their bid is \$866,162.12 or 25.56% less than the engineer's estimate. The engineer has completed the process of reviewing the bids submitted and has made a recommendation to award the bid to TJ&T Enterprises, Inc. Change order(s) in excess of \$25,000 will be brought to Council for consideration.


Staff recommends awarding the contract to TJ&T Enterprises, Inc. as the lowest responsible bidder.

FISCAL ANALYSIS

FY09 Funds Budgeted	Funding Source	Account Number	Project Number	FY09 Funds Actual Cost
\$2,374,859.43	Bond	403-0000-658.70-03	TR0604	\$2,210,357.05
\$311,781.75	Bond	403-0000-668.70-03	PK0002	\$311,781.75

STAFF'S RECOMMENDATION

Award the bid for reconstruction of Turtle Creek Drive to TJ&T Enterprises, Inc. for an amount not to exceed \$2,522,138.80.

A handwritten signature in black ink, appearing to read 'Bill Atkinson', is written over a large, light blue oval-shaped stamp or watermark.

Bill Atkinson
Assistant City Manager



Public Works

1522 Texas Parkway
Missouri City, Texas 77489

Phone: 281.403.8500
www.ci.mocity.tx.us

February 19, 2009

Morris Mitchell

Thunderbird Utility District
3134 Cartwright Road
Missouri City, TX 77459

Re: Missouri City Construction of Turtle Creek Drive Improvements, IFB#160-09

Mr. Mitchell:

On Monday, February 9, 2009 the City of Missouri City opened bids for the Turtle Creek Drive Improvement Project. According to the bid tabulation we recommend awarding the contract to the apparent low bidder, TJ&T Enterprises, Inc. TJ&T Enterprises, Inc. proposed a total project cost of \$2,522,138.80; \$2,456,098.80 for the roadway and \$66,040.00 for the force main. Attached are the totals from the bid tabulation.

The City proposes a monthly payment schedule for the cost of the force main to the Quail Valley Utility District. The City would pay the invoice billed from the contractor and then bill Quail Valley for the amount paid towards the force main. The City would provide a copy of the original pay application to Quail Valley as verification of amount due.

The City requests that you please consider our proposal and express your concurrence by signing below. If you have any questions or concerns, please feel free to contact me at 281-403-8572.

Sincerely,

Scott R. Elmer, P.E.
Director of Public Works

Enclosures: Summary of Bid Tabulation

cc: Caroline Kelly, City Attorney, Valerie Ruda, Project Manager

Thunderbird Utility District

Signature

February 24, 2009

Date

Edward Biles
Printed Name

CITY OF MISSOURI CITY

Reconstruction of Turtle Creek Drive
IFB# 160-09
Bid Summary

Contractor	Total for Roadway	Total for Alternate Bid (Force Main)	Total Project Cost
<i>Engineer's Estimate</i>	<i>\$3,243,780.92</i>	<i>\$144,520.00</i>	<i>\$3,388,300.92</i>
Angel Brothers Enterprises	\$2,575,927.40	\$124,616.00	\$2,700,543.40
Bay Utilities	\$2,566,963.45	\$77,760.00	\$2,644,723.45
Beyer Construction	\$2,748,748.72	\$106,444.00	\$2,855,192.72
Cravens Partners	\$3,041,023.00	\$145,512.00	\$3,186,535.00
Harris Construction	\$2,439,671.95	\$137,080.00	\$2,576,751.95
SER Construction	\$2,468,131.40	\$82,224.00	\$2,550,355.40
South Coast Construction	\$2,738,990.62	\$157,360.00	\$2,896,350.62
Texas Sterling Construction	\$2,927,068.45	\$107,200.00	\$3,034,268.45
TJ&T Enterprises	\$2,456,098.80	\$66,040.00	\$2,522,138.80
Total Contracting	\$3,177,597.05	\$276,600.00	\$3,454,197.05
Triple B Services	\$2,779,090.51	\$84,345.60	\$2,863,436.11



**Council Agenda Item
March 2, 2009**

6. AUTHORIZATIONS BY COUNCIL

- (c) Consider authorizing an agreement with **Dodson & Associates** for **engineering services** for **floodplain management support**.
-

Background information attached as follows:

Cover Memo



Council Agenda Item Cover Memo
March 2, 2009

To: Mayor and City Council
Agenda Item: **6c** Consider authorizing an agreement with Dodson & Associates for engineering services for floodplain management support.
Prepared by: Charles Oberrender, CPPB, Purchasing Manager
Submitted by: Jing J. Chen, P.E., Asst City Engineer
Scott Elmer, P.E., Director of Public Works

SYNOPSIS

Staff seeks Council approval to enter into an agreement for professional engineering services to develop a comprehensive floodplain database and prepare application package for Community Rating System.

BACKGROUND

Since the early 80's, Missouri City has been an active participant in the FEMA National Flood Insurance Program (NFIP) to offer citizens the opportunity to purchase federally-backed flood insurance. More recently, city leadership expressed an interest in participation in the Community Rating System (CRS) which will offer discounts on flood insurance, especially for citizens living within a floodplain. Dodson and Associates has been working with the city on drainage and flood-related issues in the past decade, therefore, they were considered by city staff to provide floodplain database development and CRS application service.

Developing a comprehensive floodplain database is essential for the city to carry on its day-to-day floodplain administration duties. In addition, the database will enable a favorable evaluation during the mandatory Community Assistance Visit (CAV) conducted by FEMA representatives. Once the city completes and "passes" the CAV, we can then move forward with the CRS application process.

CRS provides flood insurance discounts for residents residing in the 100-year and 500-year floodplains:-

Residents in the 100-year floodplain can obtain 5% to 45% discount on flood insurance premiums;

- Residents in the 500-year floodplain (X Zone) can obtain 5% to 10% discount;
- Discount is based on community rating. Minimum rating is 9 (5%), maximum is 1 (up to 45%).
- The city is expected to obtain a 7, which offers 15% discount in the flood zone, and 5% in X Zone.
- Premium discounts will be renewed yearly. As long as we keep up with floodplain management, they will be available on a continual basis.

Dodson's services will include but are not limited to:

Perform mock FEMA Community Assistance Visit (CAV), CRS development and application, build floodplain database and other possible on-call services.

Staff met with council Consultant Selection Committee (CSC) on February 16, 2009 to explain the scope of work and obtain preliminary approval for engaging Dodson's service. Upon CSC's approval, staff proceeded to undergo negotiations with Dodson to finalize a scope of work and acceptable fee for services.

The agreement is for an amount not to exceed \$85,000.

FISCAL ANALYSIS

FY09 Funds Budgeted	Funding Source	Account Number	Project Number	FY09 Funds Actual Cost
\$1,027,528	Bond/METRO	403-0000-648- 7001	DR9805	\$85,000

STAFF'S RECOMMENDATION

Authorize the City Manager to execute an agreement for floodplain database development and CRS application with Dodson & Associates for an amount not to exceed \$85,000.00.



Bill Atkinson
Assistant City Manager



Council Agenda Item
March 2, 2009

7. **PUBLIC COMMENTS** – *An opportunity for the public to address Council on items/concerns not on this agenda.*
 8. **PUBLIC HEARINGS** – *There are no Public Hearings at this time.*
-



**Council Agenda Item
March 2, 2009**

9. PUBLIC HEARINGS AND CONSIDERATION OF ZONING ORDINANCES

- (a) Public hearing to receive comments for or against a request by **Joseph J. Bhonn** to rezone an approximate 2.42 acre tract of land from R-1, Residential District to PD, Planned Development District to allow for private septic systems and water wells; providing a penalty; providing for severability; and to **consider the ordinance on the first of two readings**. The subject site is located at 6201 Johnson Dr. in the Oyster Creek Farms residential subdivision, north of the Houston Community College Campus, south of State Hwy. 6, southeast of Sienna Ranch Rd. and west of McKeever Rd.
-

Background information attached as follows:

Cover Memo

Ordinance

P&Z Meeting Minutes

Application

Site Pictures

Ortho Map

200' Notice

Support Letters



Council Agenda Item Cover Memo
March 2, 2009

To: Mayor and City Council
Agenda Item: **9a** Bhonn Acres – Planned Development
Submitted by: Ornita Green, MPA, Director of Planning

SYNOPSIS

This is the first of two readings to receive a request by Joseph J. Bhonn to rezone an approximate 2.42 acre tract of land from R-1, Residential District to PD, Planned Development District to allow for the subdivision of a residential lot and the allowance of a private septic system and water well.

The subject site is located at 6201 Johnson Dr. in the Oyster Creek Farms residential subdivision, north of the Houston Community College Campus, south of State Hwy 6, southeast of Sienna Ranch Rd., and west of McKeever Rd.

BACKGROUND

The applicant, Joseph Bhonn, is seeking to subdivide his 2.42 acre property to create two (2) residential lots in the Oyster Creek Farms residential subdivision. The use of the second lot would remain designated for single-family development; however a private water well and septic system would be needed to support this new lot as public water and sewage infrastructure is not available in this area.

Staff recommended approval and the Planning and Zoning Commission forwards a positive recommendation.

STAFF'S RECOMMENDATION

Approve.

Bill Atkinson
Assistant City Manager

ORDINANCE NO. O-09-__

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, CHANGING THE ZONING CLASSIFICATION OF A 2.42-ACRE TRACT OF LAND FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO PD PLANNED DEVELOPMENT DISTRICT NO. __; REGULATING AND RESTRICTING THE USE, SIZE, HEIGHT AND DENSITY OF BUILDINGS, THE SIZE OF YARDS AND THE TYPE OF USE WITHIN SUCH PD PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR CERTAIN CONSTRUCTION ACCORDING TO SAID PLAN; DESCRIBING SAID 2.42-ACRE TRACT OF LAND; AMENDING THE ZONING DISTRICT MAP OF THE CITY AS ADOPTED BY ORDINANCE NO. O-81-1 ADOPTED ON JANUARY 19, 1981, AS AMENDED; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

*

*

*

*

WHEREAS, Joseph J. Bhonn is the owner of a 2.42-acre tract of land situated within the corporate limits of the City of Missouri City, Texas; and

WHEREAS, the 2.42-acre tract of land, presently has a zoning classification of R-1 Single Family Residential District under Ordinance No. O-81-1, adopted on January 19, 1981, the City of Missouri City Zoning Ordinance, as amended; and

WHEREAS, the owner, has made application to the City of Missouri City to change the zoning classification of said 2.42-acre tract of land from R-1 Single Family Residential District to PD Planned Development District No. __, as authorized by the City of Missouri City Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Missouri City have each conducted, in the time and manner and after the notice required by law and the City of Missouri City Zoning Ordinance, a public hearing on such proposed change in the zoning classification; and

WHEREAS, the Planning and Zoning Commission has issued its final report and the City Council now deems it appropriate to grant such requested change in the zoning classification; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. As required by law, City Council conducted the public hearing on the request for zoning reclassification and closed the public hearing prior to final adoption of this Ordinance.

Section 3. Presently, said 2.42-acre tract of land has a zoning classification of R-1 Single Family Residential District. The zoning classification of said 2.42-acre tract of land is hereby changed from R-1 Single Family Residential District to PD Planned Development District No. ____ . The 2.42-acre tract of land is more fully described in the legal description, Exhibit "A", attached hereto and made a part hereof for all purposes.

Section 4. PD Planned Development District No. ____ shall be and is subject to the following regulations and restrictions:

A. Purpose. PD, Planned Development District No. ____ will be designed for detached single-family residential development.

B. Use Regulations. In the PD, Planned Development District No. ____, no building, structure, or land shall be used and no building or structure shall be hereafter erected, reconstructed, altered or enlarged except as provided in this Ordinance.

The following uses shall be permitted:

1. R-1, Single-family residential uses with private septic systems and water wells.

C. Height and Area Regulations. The height and area regulations for R-1, Single-family residential district, contained in Section 7.2 of the Zoning Ordinance, shall apply in PD, Planned Development District No. ____.

D. Garage Regulations. The garage regulations for R-1, Single-family residential district, contained in Section 7.2 of the Zoning Ordinance, shall apply in PD, Planned Development District No. ____.

E. Trash Disposal Regulations. The trash disposal regulations for R-1, Single-family residential district, contained in Section 7.2 of the Zoning Ordinance, shall apply in PD, Planned Development District No. ____.

F. Portable Storage Unit Regulations. The portable storage unit regulations for R-1, Single-family residential district, contained in Section 7.2 of the Zoning Ordinance, shall apply in PD, Planned Development District No. ____.

G. Parking Regulations. The parking regulations for R-1, Single-family residential district, contained in Section 7.2 of the Zoning Ordinance, shall apply in PD, Planned Development District No. ____.

- H. Sign Regulations.** The sign regulations for R-1, Single-family residential district, contained in Section 7.2 of the Zoning Ordinance, shall apply in PD, Planned Development District No. ____.
- I. Fence Regulations.** The fence regulations for R-1, Single-family residential district, contained in Section 7.2 of the Zoning Ordinance, shall apply in PD, Planned Development District No. ____.
- J. Utilities.** The provision and construction of all utilities shall comply with the City Infrastructure Code and City Design Manual of the City of Missouri City.
1. Individual private water wells and septic systems may be installed to serve the residential lots.
- K. Ingress and Egress.** All driveways and parking areas shall comply with the City Infrastructure Code and City Design Manual of the City of Missouri City.
- L. Sidewalk.** Sidewalks shall not be required to be installed within the subject tract.
- M. Construction Activity.** Construction shall be permitted only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday.
- N. Development Schedule.** This ordinance shall expire on the fifth anniversary of the date the application for this planned development amendment was filed, in the event no progress has been made towards completion of this project.

Section 5. The Zoning District Map of the City of Missouri City shall be revised and amended to show the zoning classification of said 2.42-acre tract of land granted by this Ordinance, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of this change.

Section 6. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Missouri City, save and except the change in zoning classification granted by this Ordinance and the imposition of the findings, regulations, restrictions and conditions applicable to PD Planned Development District No. __ contained herein.

Section 7. Penalty. Any person, firm, partnership, association, corporation, company, or organization of any kind who or which violates any provisions of this zoning ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00). Each day during which said violation shall exist or occur shall constitute a separate offense. The owner or owners of any property or of premises where any violation of this zoning ordinance shall occur, and any agent, contractor, builder, architect, person, or corporation who

shall assist in the commission of such offense shall be guilty of a separate offense unless otherwise prohibited by law and, upon conviction thereof, shall be punished as above provided.

Section 8. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED on first reading this ____ day of _____, 2009.

PASSED, APPROVED and ADOPTED on second and final reading this _____ day of _____, 2009.

Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

Patrice Fogarty, City Secretary

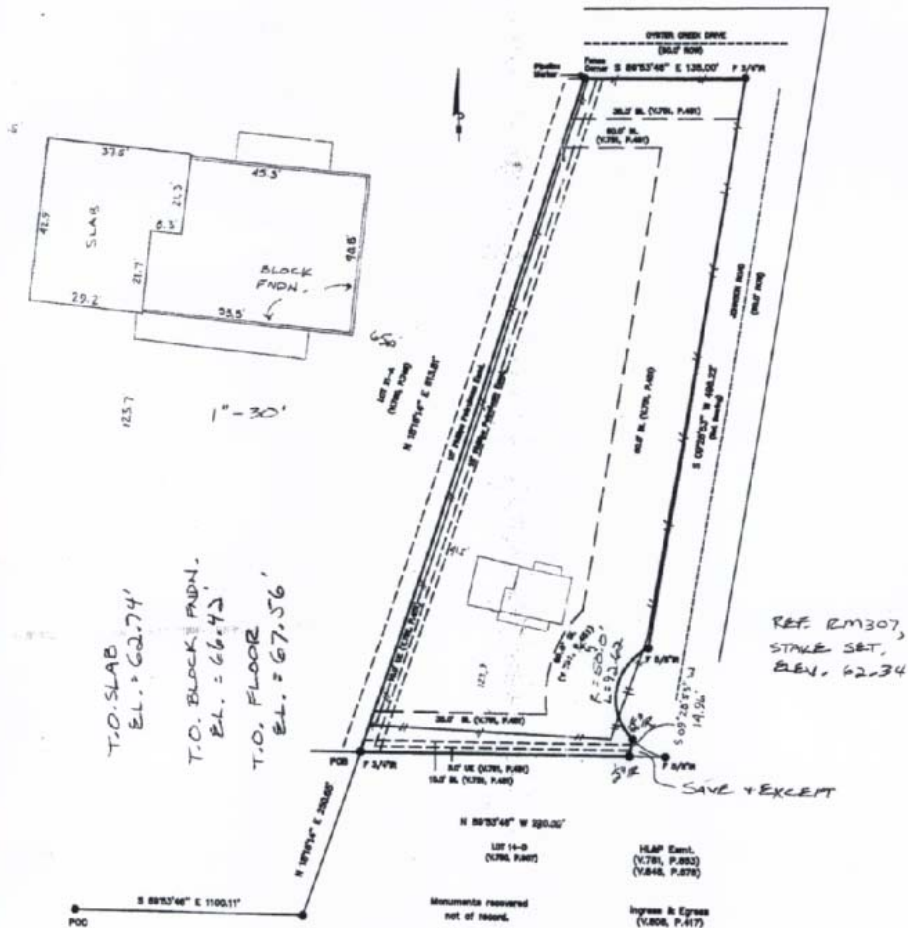
Caroline Kelley, City Attorney

Page 1 of 3

H & M SURVEYING & ASSOCIATES, INC.

FAX: (713) 524-8860

HOUSTON, TEXAS 77028-9068



LOT 14-1

I certify that the above plat is a true representation of a survey made on the ground under my supervision of

Lot 14-B Block _____ in OYSTER CREEK FARMS

recorded in Vol. 750 Page 907 of the DEED Records of FT. BEND County, Texas

and out of the _____ Survey, Abstract No. _____

Purchaser _____

GF# _____ Date 10-26-05 / 02-20-06 / 2-23-06 FB# _____

Bearing Reference PLAT, Scale 1" = 100', Job No. _____

This Property is located in flood insurance rate map zone AE

as per map 48157C 270 J, dated 1997
Note: This survey is provided to, and for the benefit of

Any re-distribution, copying, or transaction is not authorized, and is a violation of federal copyright law. The certification placed hereon is void under any state or federal law.

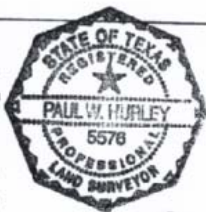

$$BFE = 66.4'$$

Exhibit A
Page 2 of 3

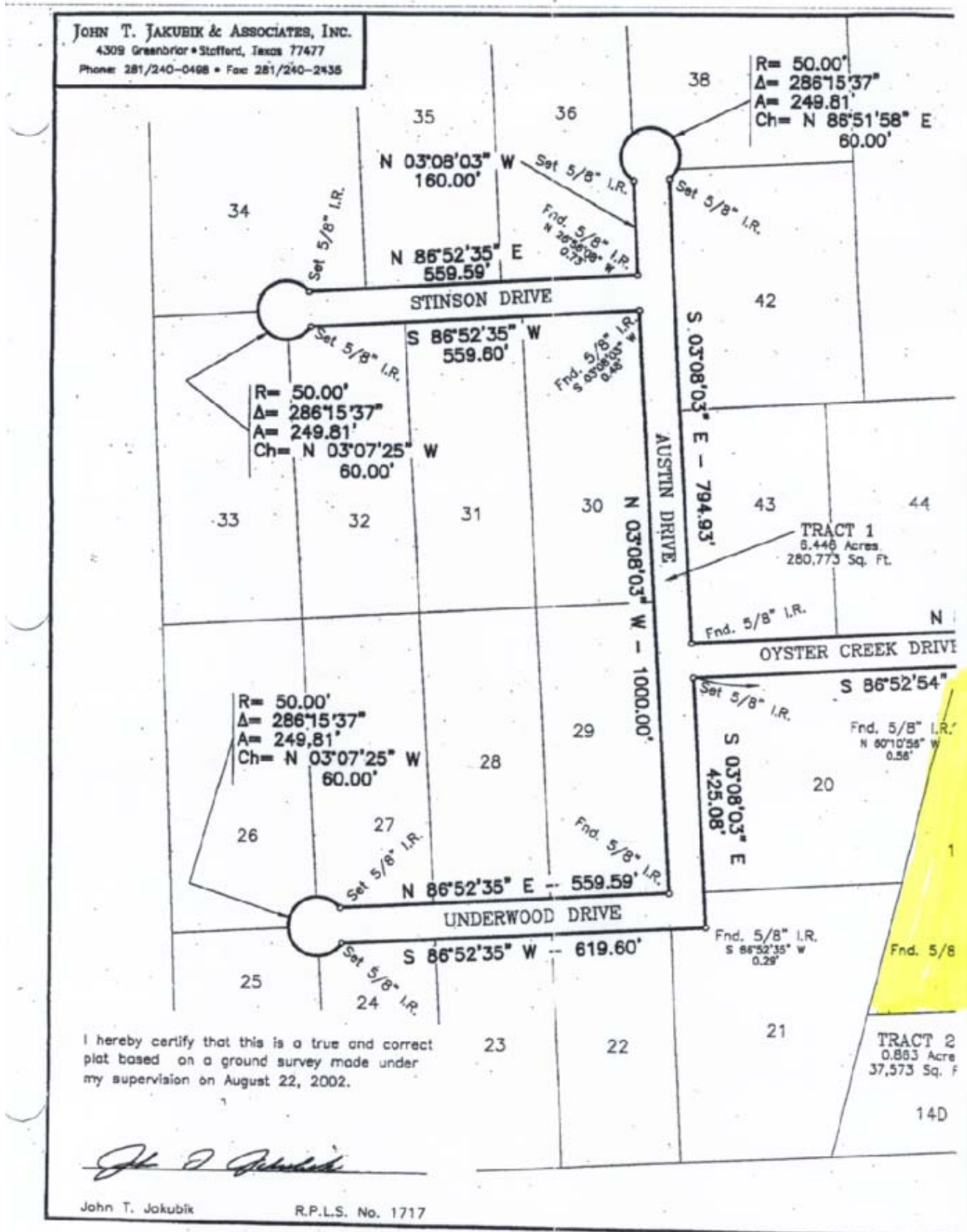
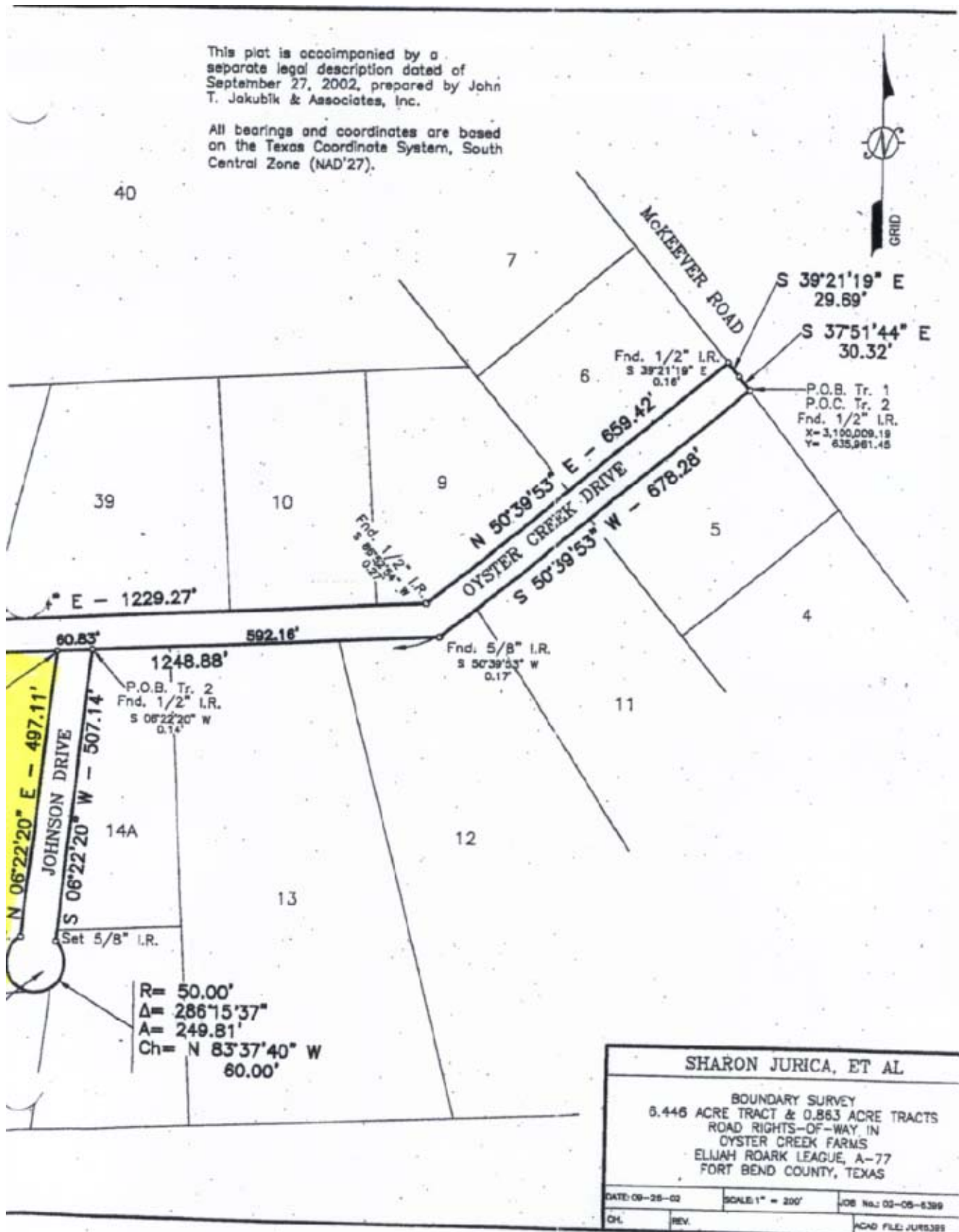


Exhibit A
Page 3 of 3





**MINUTES
PLANNING AND ZONING COMMISSION
CITY OF MISSOURI CITY, TEXAS
February 11, 2009**

1. CALL TO ORDER

The Notice of Meeting and Agenda having been duly posted in accordance with legal requirements and a quorum being present, the meeting was called to order by Chairman Lee at approximately 7:02 p.m.

2. ROLL CALL

Commissioners in Attendance:

Ron Lee, Chairman
Hugh Brightwell
Chris Connolly (arrived 7:04 pm)
Bill McCrea
Sonya Brown-Marshall
Len Goff, Jr.
Timothy Haney
Bobby Marshall
John O'Malley

Staff:

Ornita Green, Director of Planning
Scott Elmer, Director of Public Works
Jing Chen, Assistant City Engineer
Gary Smith, First Assistant City Attorney
Tim Kirwin, Assistant City Attorney
Jennifer Thomas, AICP, Planner II
Travis Huff, Planner I
Yolanda Ford, Planner I
Betty Collins, Administrative Assistant

Council Members in Attendance: Eunice Reiter

Others Present:

**Mukesh Baxi
Joe Bhonn
James Brown
Jerry Graham**

**T J Patel
Michael Rusk
Jerry Scott**

8. PUBLIC HEARING AND CONSIDERATION FOR A PLANNED DEVELOPMENT

(a) Public hearing to receive comments for or against a request b Joseph J. Bhonn to rezone an approximate 2.42 acre tract of land from R-1, Residential District to PD, Planned Development District to allow for the subdivision of a residential lot and the allowance of a private septic system and water well.

Ms. Jennifer Thomas, AICP, Planner II, presented this project: The applicant is planning to subdivide this 2.42 acre tract of land to create two residential lots. The purpose of the PD is to allow for the use of the septic and water well systems on the new lot that's created from the subdivision. In addition to what you have in staff's report, there should be a clarification for sidewalks because there should also be a request not to require them to install a sidewalk for that new lot as there are no sidewalks in Oyster Creek Farms.

Commissioner Haney: Is this the only option they have to go with the PD – because of the ordinance?

Ms. Thomas: Because our ordinances now require public utilities, this is the only way around that.

Commissioner McCrea: We have two letters that are in favor of the PD as long as they follow the deed restrictions. We don't have any control over that, do we?

Ms. Thomas: No, we don't have any control over the deed restrictions, but Oyster Creek Farms restrictions specify that each lot has to be a minimum of one acre. The subdivision that he is proposing is roughly an acre for each lot. Some of the comments that we've received back are assuring the residents that the use isn't changing. It's still a residential use and it's still single family residential as it was previously. It's just to allow the septic and water well.

Mr. Joe Bhonn: He stated that he has been a resident for nearly 30 years. Mr. Bhonn lives in Oyster Creek Farms and he lives on acreage and has asphalt roads. There are no sidewalks and no public water supply. They own septic systems. He lives on 2.42 acres and is looking to divide the acreage. He can no longer physically take care of 2.42 acres.

Commissioner Marshall: Will the second area be accessible off Johnson Drive?

Mr. Bhonn: It's accessible from either Johnson Drive or Oyster Creek Drive.

PUBLIC HEARING

Motion: Motion to close the Public Hearing

Made by: Commissioner Haney

Seconded by: Commissioner Marshall

Vote: 9-0

(b) Consideration of the approval of a Final Report to City Council on item 8a above.

Motion: Motion to forward a positive recommendation to CC on item 8A above and will include the deviation not to require them to install a sidewalk.

Made by: Commissioner Haney

Seconded by: Commissioner McCrea

Vote: 9-0

MEMORANDUM

MEETING DATE: March 2, 2009

TO: Mayor and City Council

FROM: Planning and Zoning Commission

PREPARED BY: Jennifer Thomas, AICP, Planner II

SUBJECT: Bhonn Acres – request by Joseph J. Bhonn to rezone an approximate 2.42 acre tract of land from R-1, Residential District to PD, Planned Development District to allow for the subdivision of a residential lot and the allowance of a private septic system and water well.

FINAL REPORT

GENERAL INFORMATION:

Applicant: Joseph J. Bhonn

Agent: N/A

Property Owners: Joseph J. Bhonn

Purpose of Application: Request by Joseph J. Bhonn to rezone an approximate 2.42 acre tract of land from R-1, Residential District to PD, Planned Development District to allow for the subdivision of a residential lot and the allowance of a private septic system and water well.

Requested Deviations:

1. Request to deviate from Section 7.2.A – To allow for the development of a residential lot with a private septic system and water well.
2. Request to deviate from Section 82-164 – To allow for the development of a residential lot without the installation of sidewalks.

Location: The subject site is located at 6201 Johnson Dr. in the Oyster Creek Farms residential subdivision, north of the Houston Community College Campus, south of State Hwy 6, southeast of Sienna Ranch Rd., and west of McKeever Rd.

Legal Description:	The subject site can be described as being a 2.42 acre tract of land being all of Lot 14-B of Oyster Creek Farms as recorded on Page No. 451 of Book No. 751 of the Plat Records of Fort Bend County, Texas.
Size:	2.42 acres.
Existing Land Use:	Single-family residential house.
Surrounding Land Use:	North: State Hwy 6. South: Planned Houston Community College campus East: McKeever Rd West: City's ETJ.; single-family residential homes.
Existing Zoning:	R-1, Single-family residential.
Zoning History:	
10-19-1981:	Subject site annexed by the City of Missouri City (Ord. No. O-81-21).
01-04-1982:	Subject site zoned R-1, Single-family residential district (Ord. No. O-82-01).

BACKGROUND INFORMATION:

The applicant, Joseph Bhonn, is seeking to subdivide his 2.42 acre property to create two (2) residential lots in the Oyster Creek Farms residential subdivision. Mr. Bhonn intends to retain approximately 1.3 acres of the property as his private residence and sell off the balance, approximately 1.12 acres. The use of the second lot would remain designated for single-family development; however a private water well and septic system would be needed to support this new lot as public water and sewage infrastructure is not available in this area. Mr. Bhonn's current residence as well as all other homes in this subdivision are also on private water well and septic systems.

The applicant is requesting the following deviations:

1. Request to deviate from Section 7.2.A – To allow for the development of a residential lot with a private septic system and water well.
2. Request to deviate from Section 82-164 – To allow for the development of a residential lot without the installation of sidewalks.

SUBSECTION 8.2 – Requirements for a PD District Application

- A. OWNERSHIP.** The applicant has submitted proof of unified control of the entire area within the proposed PD district.
- B. LEGAL DESCRIPTION OF SITE:** The site is required to be replatted.
- C. CONCEPT PLAN:** A proposed site plan has been submitted, which constitutes the required concept plan.
1. **Water and Sewer Service.** The subject tract is not served by a municipal utility district.
 2. **Drainage.** The subject tract is within the Flat Bank Creek watershed.
- D. SUPPORTIVE REPORT:**
1. **General Description:**
 - a. Total acreage: 2.42
 - b. Minimum Design Standards: The applicant has complied with City standards, except as requested.
- E. DEVELOPMENT SCHEDULE:** The development shall be completed within the required five-year timeframe pursuant to Section 8.2.D requirements.

SUBSECTIONS 8.2.C AND 8.4 – CONCEPT PLAN AND USE REGULATIONS: As stated above, per Zoning Ordinance Section 8.2.C, Concept Plan, and 8.4, Use Regulations, the applicant is required to propose minimum development guidelines for the site.

- A. PURPOSE.** PD, Planned Development District No. ____ will be designed for detached single-family residential development.
- B. USE REGULATIONS.** In PD, Planned Development District No. ____, no building, structure, or land shall be used and no building or structure shall be hereafter erected, reconstructed, altered or enlarged unless otherwise provided in the proposed Ordinance.

The following uses shall be permitted:

1. R-1, Single-family residential uses with private septic systems and water wells.
- C. HEIGHT AND AREA REGULATIONS.** The height and area regulations for R-1, Single-family residential district, contained in Section 7.2 of the Zoning Ordinance, shall apply in PD, Planned Development District No. ____.

- D. GARAGE REGULATIONS.** The garage regulations for R-1, Single-family residential district, contained in Section 7.2 of the Zoning Ordinance, shall apply in PD, Planned Development District No. ____.
- E. TRASH DISPOSAL REGULATIONS.** The trash disposal area regulations for R-1, Single-family residential district, contained in Section 7.2 of the Zoning Ordinance, shall apply in PD, Planned Development District No. ____.
- F. PORTABLE STORAGE UNIT REGULATIONS.** The portable storage units regulations for R-1, Single-family residential district, contained in Section 7.2 of the Zoning Ordinance, shall apply in PD, Planned Development District No. ____.
- G. PARKING REGULATIONS.** The parking regulations for R-1, Single-family residential district, contained in Section 7.2 of the Zoning Ordinance, shall apply in PD, Planned Development District No. ____.
- H. SIGN REGULATIONS.** The sign regulations for R-1, Single-family residential district, contained in Section 7.2 of the Zoning Ordinance, shall apply in PD, Planned Development District No. ____.
- I. FENCE REGULATIONS.** The fence regulations for R-1, Single-family residential district, contained in Section 7.2 of the Zoning Ordinance, shall apply in PD, Planned Development District No. ____.
- J. UTILITIES.** The provision and construction of all utilities shall comply with the Infrastructure Standards of the City of Missouri City.

The applicant is seeking to subdivide his residential lot to create two (2) residential lots. As a result of this subdivision, the applicant is requesting to utilize a private septic system and water well to support new residential development on the second lot.

Staff Recommended: Approve. It is recommended that this deviation should be permitted due to a lack of utilities in this area and the use of private septic systems and water wells within the Oyster Creek Farms residential subdivision.

Planning and Zoning Commission Recommends: To approve as staff recommended.

- K. INGRESS AND EGRESS.** All driveways and parking areas, including locations, shall comply with the Infrastructure Standards of the City of Missouri City.
- L. SIDEWALKS.** Sidewalks shall meet the requirements of the City Infrastructure Code.

Staff Recommended: To approve the development of the second residential lot without the requirement of a sidewalk to be constructed. This deviation would be consistent with the development patterns of all other residential lots within the Oyster Creek Farms subdivision.

Planning and Zoning Commission Recommends: To approve as staff recommended.

M. PLATTING. The site is required to be replatted.

N. CONSTRUCTION ACTIVITY. Construction shall only be permitted during the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday.

O. DEVELOPMENT SCHEDULE. Pursuant to Section 8, PD Planned Development District, the development of the subtract tract is required to be completed within five (5) years. The applicant has advised that development will be completed within that timeframe.

CONFORMANCE WITH COMPREHENSIVE PLAN: The proposed amendment is in conformance with the following portions of the Comprehensive Plan:

- A city that has grown to maturity and continues to be a desirable place to live, because of the existence of a wide variety of housing types located in safe, well-kept neighborhoods.

CONFORMANCE WITH LAND USE PLAN: The Future Land Use Map identifies the subject tract as a Low Density Residential, providing for the appropriate location of Low Density Residential Uses.

Below is a description of Low Density Residential Uses from the 2003 Land Use Plan Update:

“Low Density Residential – The examples of low density residential uses as provided below would be suitable for locating in low density residential areas:

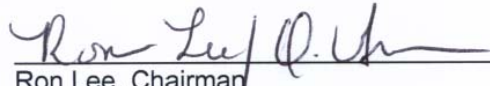
1. Examples: Single-family detached dwellings would be appropriate.
2. Access: Direct access by residential streets preferred. Direct access to collector streets is possible under acceptable conditions. Direct access to major thoroughfares should be prohibited.
3. Lot Size: 5,000 square feet or greater by classification should be encouraged.
4. Density: An average overall density of 4.5 dwelling units/acre should be encouraged.”

CONCLUSION:

The application complies with the goals of the Comprehensive Plan, and conforms to the recommendations contained in the Land Use Plan. The recommendations contained in this report, if included in the Commission’s recommendations, will ensure that the proposed development complements and enhances the design of the surrounding area.

RECOMMENDATION:

The Planning and Zoning Commission adopts this as its Final Report and forwards it to City Council with a **positive recommendation** for consideration and adoption thereof.



Ron Lee, Chairman

OG:sre



Planning Department
1522 Texas Parkway
Missouri City, Texas 77489
281-403-8600 (Office) ■ 281-208-5551 (Fax)
www.ci.mocity.tx.us

APPLICATION FOR:

Check One: ☐ SPECIFIC USE PERMIT

☒ PLANNED DEVELOPMENT

SEE ATTACHED EXHIBITS "A" AND "B" FOR INFORMATION REQUIRED FOR COMPLETE APPLICATION SUBMITTAL

Date of Application:

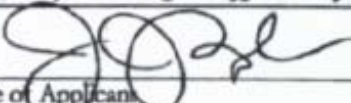
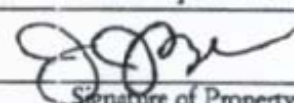
1/23/09

1. Project Name:	Bhorn Acres		
2. Address/Location of Property:	6201 Johnson Dr		
3. Applicant's Name:	Joseph J Bhorn		
Mailing Address:	6201 Johnson Dr		
Phone No.:	(281) 431-9207	Fax No.:	() -
Email:			
4. Status of Applicant:	<input checked="" type="radio"/> Owner	<input type="radio"/> Agent	<input type="radio"/> Attorney
(If other than Owner, submit written authorization from Owner with application.)			
5. Property Owner:			
Mailing Address:	Same as Above		
Phone No.:	() -	Fax No.:	() -
Email:			
6. Existing Zoning and Land Use:	R-1		
7. Total Acreage:	2.42		
8. Proposed Development/Reasons for Application:	Planned Development District for the use of septic tanks & water wells;		
9. Legal Description of the Property (If the legal description is a portion of a lot, then a metes and bound description of the tract must be submitted with application.):			
Subdivision Name:	Oyster Creek Farms	Lot No.:	14-B
Volume No.:	750	Page No.:	907
10. Central Appraisal District tax identification numbers of property (Attach Paid Tax Receipts):	0077 G. Raven Ave 2.42 14-B		
11. Do deed restrictions or restrictive covenants exist for the property? (Circle One):	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
(If yes, submit with application.)			
12. Does this application include an Architectural Design Review: (Circle One):	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
(If yes, required materials must be submitted.)			
FILING FEE:		\$1,200.00	

Hand deliver completed application form with the filing fee and required information to:

Planning Department
1522 Texas Parkway (FM 2234)
Missouri City, TX 77439

By submitting this application you are permitting City staff to enter the site in order to post and remove public notice signs.

	
Signature of Applicant	Signature of Property Owner, Agent or Attorney

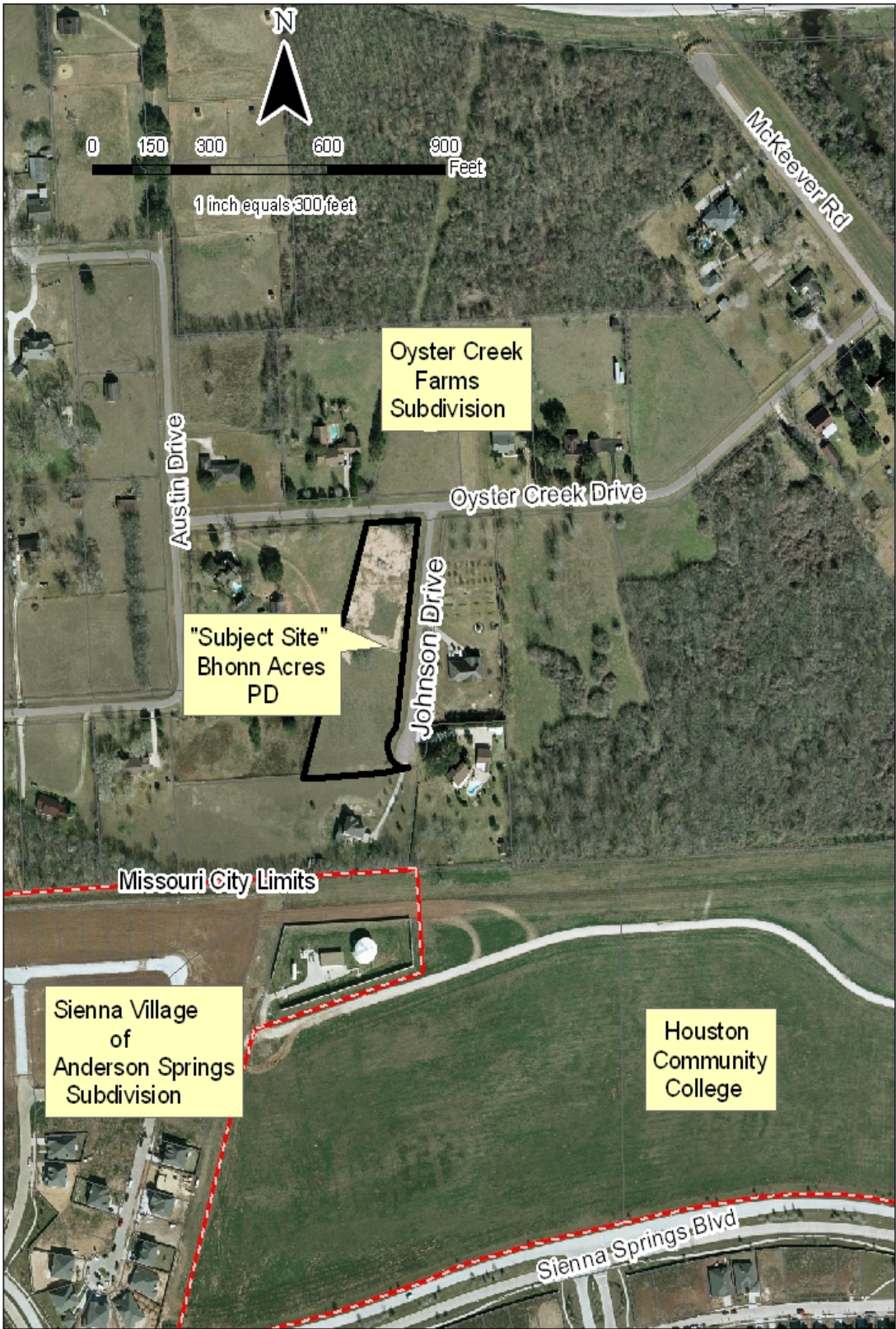
Bhonn Acres PD

Site Pictures

2/11/09



Ortho Map



Rezoning Application Protest Letters Analysis
City of Missouri City, Texas
Planning Department

Application: Bhonn Acres – R-1, Single-Family Residential District to
PD, Planned Development District
City Council First Reading: March 2, 2009

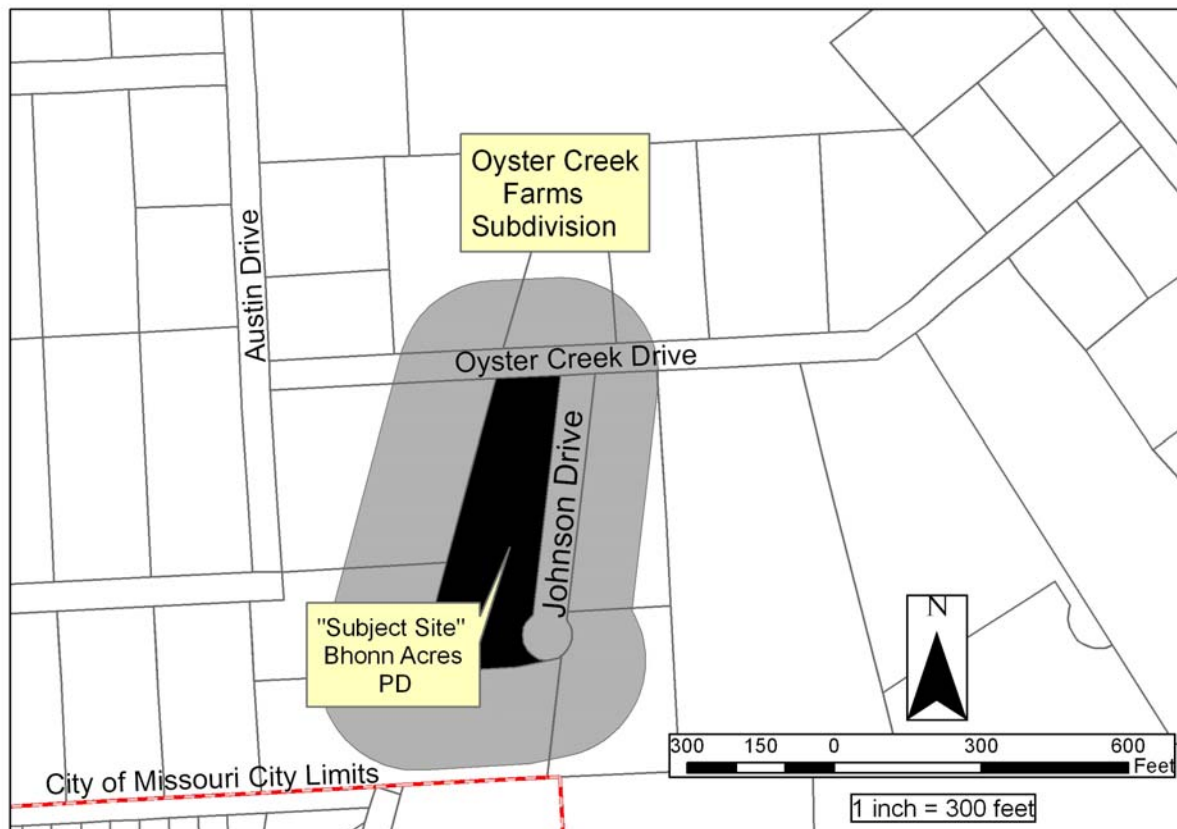
Protest Letters Received from Property Owners Within 200 Feet of Subject Site:

<u>Name</u>	<u>Address</u>	<u>Area (s.f.) Within 200 Feet</u>
-------------	----------------	------------------------------------

TOTAL AREA REPRESENTED BY PROTESTS:	0 s.f.
-------------------------------------	---------------

TOTAL LAND AREA INCLUDING SUBJECT TRACT:	450,288.83 s.f.
SUBJECT TRACT'S LAND AREA:	104,631.79 s.f.
TOTAL LAND AREA ONLY WITHIN 200 FEET:	345,657.04 s.f.
PERCENTAGE OF LAND AREA WITHIN 200 FEET:	0 %

Note: A total of 2 letters of support and 0 letters of protest have been received for the application request as of February 23, 2009.





PLANNING

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

RECEIVED
PLANNING DEPARTMENT

JANUARY 30, 2009

FEB 10 2009

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

CITY OF MISSOURI CITY

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:

Wednesday, February 11, 2009
City Council Chambers
2nd Floor, City Hall Building
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by Joseph J. Bhonn to rezone an approximate 2.42 acre tract of land from R-1, Residential District to PD, Planned Development District to allow for the subdivision of a residential lot and the allowance of a private septic system and water well.

This letter is being sent to property owners within 200' of the subject property as required by law. It is also sent to others on request.

Dear City Representatives:

____ I/We protest this proposed rezoning because _____

_____.

____ I/We support this proposed rezoning ~~because~~ on the condition that the
resulting subdivided lots comply with existing deed restrictions
of Oyster Creek Farms, and, particularly remain zoned for
single family residence.

Sincerely, Loretta A. Johnson
Bobby E. Johnson
Signature

6102 Johnson Drive

Street Address

Missouri City, Tx 77459

Phone Number

281-431-0043

Loretta A. Johnson Loretta A. Johnson
Bobby E. Johnson Bobby E. Johnson
Print Name

Oyster Creek Farms

Subdivision

Return to:

Planning Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281) 208-5551



PLANNING

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

RECEIVED
PLANNING DEPARTMENT

FEB 6 2009

JANUARY 30, 2009

CITY OF MISSOURI CITY, TEXAS
Planning and Zoning Commission

CITY OF MISSOURI CITY

The Planning and Zoning Commission of the City of Missouri City will hold a public hearing:

Wednesday, February 11, 2009
City Council Chambers
2nd Floor, City Hall Building
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by Joseph J. Bhonn to rezone an approximate 2.42 acre tract of land from R-1, Residential District to PD, Planned Development District to allow for the subdivision of a residential lot and the allowance of a private septic system and water well.

This letter is being sent to property owners within 200' of the subject property as required by law. It is also sent to others on request.

Dear City Representatives:

☐ I/We protest this proposed rezoning because _____

☒ I/We support this proposed rezoning because _____
AS LONG AS THE SUBDIVISION OF THE 2.42
ACRE TRACT DOES NOT EXCEED 2 LOTS TOTAL AND
EACH SUBSEQUENT LOT MUST COMPRISE 1 PLUS
ACRES AS PER OUR DEDD RESTRICTIONS

Sincerely,

Signature

8202 OYSTER CREEK DR.

Street Address

281-431-2629

Phone Number

SHARON JURICH

Print Name

OYSTER CREEK FARMS

Subdivision

Return to:

Planning Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281) 208-5551



**Council Agenda Item
March 2, 2009**

10. CONSIDERATION OF ORDINANCES

- (a) Consider an ordinance of the City Council of the City of Missouri City, Texas, **amending** City of Missouri City **Ordinance No. O-02-14**, adopted March 18, 2002, as amended; providing terms and conditions for **employee evaluations** as set forth in the personnel manual; and providing for severability; and to **consider the ordinance on the second and final reading.**

Background information attached as follows:

Cover Memo

Ordinance

Changes Marked



Council Agenda Item Cover Memo
March 2, 2009

To: Mayor and City Council
Agenda Item: **10a** Performance Management
Submitted by: Edward Williams, Director of Human Resources & Organizational Development

SYNOPSIS

This is the second of two readings to amend the existing Personnel Policy Manual to reflect the changes to the City's Performance Management System. Based on feedback from the Council on February 16, 2009, Staff added quotation marks to each of the performance measures "below expectations," "meets expectations," and "exceeds expectations." Additionally, replaced "may consider" to "shall impose" performance evaluation... to Section 8-1 Basis b, 1 (Below expectations); second paragraph.

BACKGROUND

The City of Missouri City recently implemented an online, electronic performance management system. This system enables supervisors to establish goals, manage and score individual and team performance, and align objectives the vision, mission and values of the City. This system of three performance ratings (Exceeds Expectations; Meets Expectations or Below Expectations) replaces the previous five performance ratings (Outstanding; Very Commendable; Commendable; Fair; or Unsatisfactory.)

FISCAL ANALYSIS

The City Manager, Finance Director and HR/OD Director anticipate no adverse fiscal impact from approving this request.

STAFF'S RECOMMENDATION

Authorize the City Manager to amend the City's Personnel Manual reflecting the proposed changes to the Performance Management Policy.

Frank Simpson
City Manager

ORDINANCE NO. O-09-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING CITY OF MISSOURI CITY ORDINANCE NO. O-02-14, ADOPTED MARCH 18, 2002, AS AMENDED; PROVIDING TERMS AND CONDITIONS FOR EMPLOYEE EVALUATIONS AS SET FORTH IN THE PERSONNEL MANUAL; AND PROVIDING FOR SEVERABILITY.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. Ordinance No. O-02-14, adopted March 18, 2002, as amended, is hereby amended by deleting Sections 5-1, 5-2 and 5-3 of Article V of Chapter 2 thereof, and substituting therefor new Sections 5-1, 5-2 and 5-3 of Article V of Chapter 2, to provide as follows:

“CITY OF MISSOURI CITY PERSONNEL MANUAL

.

CHAPTER 2: EMPLOYMENT AND HIRING

.

Article V – Probation

Section 5-1 Probationary Period

Every person initially hired to the City, recently promoted within the City, recently demoted as part of a disciplinary action, or recently transferred to a new position within the City shall be required to successfully complete a probationary period. The normal probationary period shall be six months but may be increased to a total of nine months with Department Director approval. A probationary period may be extended an additional three months with City Manager approval. If performance that “*meets expectations*” is not obtained at the end of the probationary period, the employee may be terminated or demoted.

Section 5-2 Purpose

Department Directors and supervisors shall use the probationary period to closely observe and evaluate the work of employees and to encourage adjustment to their jobs and the City service. Only those employees whose performance “*meets expectations*” or “*exceeds expectations*” during their

probationary period should be retained.

Section 5-3 Trainee

In unusual cases where it has not been possible to locate an applicant meeting all of the minimum qualifications, or where the apparent best applicant does not meet all of the minimum qualifications, a candidate, with the approval of the City Manager, may be hired in a trainee category at a rate less than the minimum of the range. The employee must be able to meet all of the minimum qualifications before advancing out of the trainee status. The probationary period for a trainee may be for up to twelve months with periodic reviews. A performance review rating of "*meets expectations*" or higher must be obtained at each review to merit continuation of the job. There shall be no additional compensation associated with these interim reviews during this trainee probationary period. Upon the successful completion of the trainee's probation, the employee's rate of pay will be increased to at least the minimum of the applicable pay range for that position."

Section 2. Ordinance No. O-02-14, adopted March 18, 2002, as amended, is hereby amended by renaming Chapter 3 as follows:

"CITY OF MISSOURI CITY PERSONNEL MANUAL

. . . .

CHAPTER 3: PERFORMANCE MANAGEMENT"

Section 3. Ordinance No. O-02-14, adopted March 18, 2002, as amended, is hereby amended by deleting Section 7-1 of Article VII of Chapter 3 thereof, and substituting therefor a new Section 7-1 of Article VII of Chapter 3, to provide as follows:

"CITY OF MISSOURI CITY PERSONNEL MANUAL

. . . .

CHAPTER 3: PERFORMANCE MANAGEMENT

. . . .

Article VII - Performance

Section 7-1 Performance Evaluation Report.

It is the policy of the City of Missouri City to conduct periodic reviews of the

individual performance of each of its eligible employees by a manager, supervisor or department head.”

Section 4. Ordinance No. O-02-14, adopted March 18, 2002, as amended, is hereby amended by deleting Section 8-1 of Article VIII of Chapter 3 thereof, and substituting therefor a new Section 8-1 of Article VIII of Chapter 3, to provide as follows:

**“CITY OF MISSOURI CITY
PERSONNEL MANUAL**

.

CHAPTER 3: PERFORMANCE MANAGEMENT

.

Article VIII - Compensation

Section 8-1 Basis

- a. Performance Evaluations. The City Manager shall prepare, subject to required City Council approval, and the Human Resources and Organizational Development Department shall administer a comprehensive compensation plan for City employees. Based upon performance evaluation ratings, employees shall be paid salaries or wages in accordance with the salary schedule in the compensation plan. Performance evaluation ratings include *exceeds expectations*, *meets expectations* and *below expectations*.
- b. Performance definitions and overall value.
 1. *Below Expectations* - This rating should be given to the employee who generally fails to meet projected goals. In the case of a new employee, the supervisor should attempt to determine whether a correctable barrier is preventing performance that *meets expectations*.

Where an employee had been performing at a level that *meets expectations* or *exceeds expectations*, then drops to *below expectations*, more time and effort should be spent in trying to find a solution. Supervisors shall impose performance improvement strategies including referrals to the employee assistance program when appropriate.

2. *Meets Expectations* – This rating should be given to the employee who generally meets projected goals in terms of

behavior, quality and quantity of work.

3. *Exceeds Expectations* – This rating should be given to the employee who generally *exceeds projected goals and behavioral expectations. Typically, 10 to 15 percent of the employees in any given review cycle are expected to secure this rating.*

Section 5. Ordinance No. O-02-14, adopted March 18, 2002, as amended, is hereby amended by deleting Section 8-2(a) of Article VIII of Chapter 3 thereof and substituting therefor a new Section 8-2(a) of Article VIII of Chapter 3, to provide as follows:

**“CITY OF MISSOURI CITY
PERSONNEL MANUAL**

.

CHAPTER 3: PERFORMANCE MANAGEMENT

.

Article VIII- COMPENSATION

.

Section 8-2 Administration of Salary Schedule

The salary schedule shall be administered in accordance with the following rules:

- a. During any probationary period, a department director may extend the probationary period for an additional period to allow the employee further time to prove ability to do the job (see Section 5-1) or may dismiss the employee.”

Section 6. Ordinance No. O-02-14, adopted March 18, 2002, as amended, is hereby amended by deleting Sections 8-2(c) and 8-2(d) of Article VIII of Chapter 3 thereof, and substituting therefor new Sections 8-2(c) and 8-2(d) of Article VIII of Chapter 3, to provide as follows:

**“CITY OF MISSOURI CITY
PERSONNEL MANUAL**

.

CHAPTER 3: PERFORMANCE MANAGEMENT

. . . .

Article VIII- COMPENSATION

. . . .

Section 8-2 Administration of Salary Schedule

. . . .

- c. Performance shall be evaluated at least annually as determined by the City Manager and the following actions shall be taken as applicable:
 - 1. Where the employee's performance has been *below expectations*, the employee may be subject to disciplinary action up to and including termination. If the supervisor or Department Director desires to retain the employee, he or she shall counsel the employee regarding performance, provide the employee with written notification of the reasons his or her performance has been judged substandard, and outline specific ways and means of correcting performance problems by way of a performance improvement plan. The employee may be subject to termination at a future time.
 - 2. The City Manager shall determine the percentage of salary increase, if any, within the limits established by the City Council or imposed by the City's Budget. Notwithstanding any other provisions in this policy, no employee shall receive a salary increase that causes the employee's salary to exceed the maximum salary range in the City's approved pay structures. In the event that market adjustments and performance evaluation increases would result in an annual salary for an employee that exceeds the maximum salary of the given range for such employee's position, the City Manager may award such employee a one-time, lump sum amount that may be up to the total of the difference between the maximum salary of the existing range and salary adjustment which the employee would have received based on the market adjustment and performance evaluation rating. The City will not add the difference to the annual salary as no salaries will exceed the maximum of any range.
- d. Based on present or projected budget limitations, funding availability or fiscal restrictions, the City Manager may, with the approval of the City Council, (1) award a one-time, lump sum payment to eligible employees, in lieu of a salary increase, for

market and/or performance adjustments or (2) impose a freeze on salary adjustments altogether. In the event of the occurrence of the latter, during the freeze, the employees will continue to receive annual evaluations upon which no salary advancement shall occur. Upon conclusion of any such freeze, all of an employee's evaluations during the freeze period will be considered when establishing the subsequent merit pay increase as determined by the City Manager."

Section 7. Ordinance No. O-02-14, adopted March 18, 2002, as amended, is hereby amended by deleting Section 8-2(k) of Article VIII of Chapter 3 thereof.

Section 8. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED on first reading this 16th day of February, 2009.

PASSED, APPROVED and ADOPTED on second and final reading this _____ day of _____, 2009.

Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

Patrice Fogarty, City Secretary

Caroline Kelley, City Attorney

ORDINANCE NO. O-09-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING CITY OF MISSOURI CITY ORDINANCE NO. O-02-14, ADOPTED MARCH 18, 2002, AS AMENDED; PROVIDING TERMS AND CONDITIONS FOR EMPLOYEE EVALUATIONS AS SET FORTH IN THE PERSONNEL MANUAL; AND PROVIDING FOR SEVERABILITY.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. Ordinance No. O-02-14, adopted March 18, 2002, as amended, is hereby amended by deleting Sections 5-1, 5-2 and 5-3 of Article V of Chapter 2 thereof, and substituting therefor new Sections 5-1, 5-2 and 5-3 of Article V of Chapter 2, to provide as follows:

**“CITY OF MISSOURI CITY
PERSONNEL MANUAL**

.

CHAPTER 2: EMPLOYMENT AND HIRING

.

Article V – Probation

Section 5-1 Probationary Period

Every person initially hired to the City, recently promoted within the City, recently demoted as part of a disciplinary action, or recently transferred to a new position within the City shall be required to successfully complete a probationary period. The normal probationary period shall be six months but may be increased to a total of nine months with Department Director approval. A probationary period may be extended an additional three months with City Manager approval. If performance that “meets expectations” is not obtained at the end of the probationary period, the employee may be terminated or demoted.

Section 5-2 Purpose

Department Directors and supervisors shall use the probationary period to

closely observe and evaluate the work of employees and to encourage adjustment to their jobs and the City service. Only those employees whose performance “meets expectations” or “exceeds expectations” during their probationary period should be retained.

Section 5-3 Trainee

In unusual cases where it has not been possible to locate an applicant meeting all of the minimum qualifications, or where the apparent best applicant does not meet all of the minimum qualifications, a candidate, with the approval of the City Manager, may be hired in a trainee category at a rate less than the minimum of the range. The employee must be able to meet all of the minimum qualifications before advancing out of the trainee status. The probationary period for a trainee may be for up to twelve months with periodic reviews. A performance review rating of “meets expectations” or higher must be obtained at each review to merit continuation of the job. There shall be no additional compensation associated with these interim reviews during this trainee probationary period. Upon the successful completion of the trainee's probation, the employee's rate of pay will be increased to at least the minimum of the applicable pay range for that position.”

Section 2. Ordinance No. O-02-14, adopted March 18, 2002, as amended, is hereby amended by renaming Chapter 3 as follows:

“CITY OF MISSOURI CITY PERSONNEL MANUAL

. . . .

CHAPTER 3: PERFORMANCE MANAGEMENT”

Section 3. Ordinance No. O-02-14, adopted March 18, 2002, as amended, is hereby amended by deleting Section 7-1 of Article VII of Chapter 3 thereof, and substituting therefor a new Section 7-1 of Article VII of Chapter 3, to provide as follows:

“CITY OF MISSOURI CITY PERSONNEL MANUAL

. . . .

CHAPTER 3: PERFORMANCE MANAGEMENT

. . . .

Article VII - Performance

Section 7-1 Performance Evaluation Report.

It is the policy of the City of Missouri City to conduct periodic reviews of the individual performance of each of its eligible employees by a manager, supervisor or department head."

Section 4. Ordinance No. O-02-14, adopted March 18, 2002, as amended, is hereby amended by deleting Section 8-1 of Article VIII of Chapter 3 thereof, and substituting therefor a new Section 8-1 of Article VIII of Chapter 3, to provide as follows:

"CITY OF MISSOURI CITY PERSONNEL MANUAL

. . . .

CHAPTER 3: PERFORMANCE MANAGEMENT

. . . .

Article VIII - Compensation

Section 8-1 Basis

- a. Performance Evaluations. The City Manager shall prepare, subject to required City Council approval, and the Human Resources and Organizational Development Department shall administer a comprehensive compensation plan for City employees. Based upon performance evaluation ratings, employees shall be paid salaries or wages in accordance with the salary schedule in the compensation plan. Performance evaluation ratings include *exceeds expectations*, *meets expectations* and *below expectations*.
- b. Performance definitions and overall value.
 1. Below Expectations - This rating should be given to the employee who generally fails to meet projected goals. In the case of a new employee, the supervisor should attempt to determine whether a correctable barrier is preventing performance that *meets expectations*.

Where an employee had been performing at a level that *meets expectations* or *exceeds expectations*, then drops to *below expectations*, more time and effort should be spent in trying to find a solution. Supervisors ~~may consider~~ shall impose performance improvement strategies including referrals to the employee assistance program when appropriate.

2. Meets Expectations – This rating should be given to the employee who generally meets projected goals in terms of behavior, quality and quantity of work.
3. Exceeds Expectations – This rating should be given to the employee who generally exceeds projected goals and behavioral expectations. Typically, 10 to 15 percent of the employees in any given review cycle are expected to secure this rating.”

Section 5. Ordinance No. O-02-14, adopted March 18, 2002, as amended, is hereby amended by deleting Section 8-2(a) of Article VIII of Chapter 3 thereof and substituting therefor a new Section 8-2(a) of Article VIII of Chapter 3, to provide as follows:

**“CITY OF MISSOURI CITY
PERSONNEL MANUAL**

.

CHAPTER 3: PERFORMANCE MANAGEMENT

.

Article VIII- COMPENSATION

.

Section 8-2 Administration of Salary Schedule

The salary schedule shall be administered in accordance with the following rules:

- a. During any probationary period, a department director may extend the probationary period for an additional period to allow the employee further time to prove ability to do the job (see Section 5-1) or may dismiss the employee.”

Section 6. Ordinance No. O-02-14, adopted March 18, 2002, as amended, is hereby amended by deleting Sections 8-2(c) and 8-2(d) of Article VIII of Chapter 3 thereof, and substituting therefor new Sections 8-2(c) and 8-2(d) of Article VIII of Chapter 3, to provide as follows:

**“CITY OF MISSOURI CITY
PERSONNEL MANUAL**

.

CHAPTER 3: PERFORMANCE MANAGEMENT

.

Article VIII- COMPENSATION

.

Section 8-2 Administration of Salary Schedule

.

- c. Performance shall be evaluated at least annually as determined by the City Manager and the following actions shall be taken as applicable:
 - 1. Where the employee's performance has been *below expectations*, the employee may be subject to disciplinary action up to and including termination. If the supervisor or Department Director desires to retain the employee, he or she shall counsel the employee regarding performance, provide the employee with written notification of the reasons his or her performance has been judged substandard, and outline specific ways and means of correcting performance problems by way of a performance improvement plan. The employee may be subject to termination at a future time.
 - 2. The City Manager shall determine the percentage of salary increase, if any, within the limits established by the City Council or imposed by the City's Budget. Notwithstanding any other provisions in this policy, no employee shall receive a salary increase that causes the employee's salary to exceed the maximum salary range in the City's approved pay structures. In the event that market adjustments and performance evaluation increases would result in an annual salary for an employee that exceeds the maximum salary of the given range for such employee's position, the City Manager may award such employee a one-time, lump sum amount that may be up to the total of the difference between the maximum salary of the existing range and salary adjustment which the employee would have received based on the market adjustment and performance evaluation rating. The City will not add the difference to the annual salary as no salaries will exceed the maximum of any range.
- d. Based on present or projected budget limitations, funding

availability or fiscal restrictions, the City Manager may, with the approval of the City Council, (1) award a one-time, lump sum payment to eligible employees, in lieu of a salary increase, for market and/or performance adjustments or (2) impose a freeze on salary adjustments altogether. In the event of the occurrence of the latter, during the freeze, the employees will continue to receive annual evaluations upon which no salary advancement shall occur. Upon conclusion of any such freeze, all of an employee's evaluations during the freeze period will be considered when establishing the subsequent merit pay increase as determined by the City Manager."

Section 7. Ordinance No. O-02-14, adopted March 18, 2002, as amended, is hereby amended by deleting Section 8-2(k) of Article VIII of Chapter 3 thereof.

Section 8. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED on first reading this ____ day of _____, 2009.

PASSED, APPROVED and ADOPTED on second and final reading this ____ day of _____, 2009.

Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

Patrice Fogarty, City Secretary

Caroline Kelley, City Attorney

Document comparison done by Workshare Professional on Thursday, February 19, 2009 7:40:27 PM

Input:	
Document 1	file://W:/LEGALPC/Ordinance/Personnel Manual 2009 Employee Evaluations 4.DOC
Document 2	file://W:/LEGALPC/Ordinance/Personnel Manual 2009 Employee Evaluations 6.DOC
Rendering set	Standard

Legend:	
<u>Insertion</u>	
Deletion	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	10
Deletions	2
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	12



**Council Agenda Item
March 2, 2009**

10. CONSIDERATION OF ORDINANCES

- (b) Consider an ordinance of the City Council of the City of Missouri City, Texas, **amending the general budget** for the fiscal year beginning July 1, 2008, and ending June 30, 2009, transferring various appropriations among accounts; appropriating supplemental revenue to various fund accounts; authorizing the appropriate city officials to take steps necessary to accomplish such transfers; making certain findings; and containing certain provisions relating to the subject; and to **consider the ordinance on the first and final reading.**

Background information attached as follows:

Cover Memo

Ordinance



Council Agenda Item Cover Memo
March 2, 2009

To: Mayor and City Council
Agenda Item: **10b** Fiscal Year 2009 Budget Amendment
Prepared by: Cynthia Conley, Budget Manager
Submitted by: Wes Vela, Finance Director

SYNOPSIS

A budget amendment to increase revenues and increase/decrease various expenditure accounts in the General Fund, the Narcotics Special Revenue Fund, the Debt Service Fund and the Golf Course Enterprise Fund.

	Revenues Inc/(Dec)	Expenditures Inc/(Dec)	Fund Balance Inc/(Dec)
General Fund	\$179,372	\$8,950	\$170,422
Narcotics Fund	\$0	\$10,858	(\$10,858)
Debt Service Fund	(\$164,418)	\$0	(\$164,418)
Golf Course Fund	\$1,573,958	\$2,159,651	(\$585,693)

BACKGROUND

In accordance with Article IX of the City of Missouri City Charter: Transfer of appropriations: At any time during the fiscal year, the City Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, division, or office and, upon request by the City Manager, the Council may by ordinance transfer part or all of any unencumbered balance from one department, office or agency to another.

In the General Fund, revenues are generally being increased by the difference in the estimated tax rate and the adopted tax rate, and donations received since the beginning of the fiscal year. Expenditures are generally being increased by a correction of an input error in the original budget in commodities, expenditures for donations received.

We are also requesting formal amendment to the Narcotics Special Revenue Fund for which monies are available, but were not originally budgeted. These funds would be used to purchase desktop computers as approved by Council at the September 2, 2008 council meeting.

The Debt Service Fund revenue is being adjusted by the difference in the estimated tax rate and the adopted tax rate.

The Golf Course Enterprise Fund is being formalized and added to the City's budget.

FISCAL ANALYSIS

Please see attached Budget Amendments/Ordinance.

RECOMMENDATION

Approve.

Frank Simpson
City Manager

ORDINANCE NO. O-09_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING THE GENERAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, AND ENDING JUNE 30, 2009, TRANSFERRING VARIOUS APPROPRIATIONS AMONG ACCOUNTS; APPROPRIATING SUPPLEMENTAL REVENUE TO VARIOUS FUND ACCOUNTS; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO TAKE STEPS NECESSARY TO ACCOMPLISH SUCH TRANSFERS; MAKING CERTAIN FINDINGS; AND CONTAINING CERTAIN PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, by Ordinance No. O-08-27, passed and approved on June 16, 2008, the City Council approved and adopted the City of Missouri City, Texas, General Budget for the fiscal year beginning July 1, 2008, and ending June 30, 2009 ("fiscal year 2009"); and

WHEREAS, Article IX, Section 9.04 of the City Charter authorizes the City Council, upon certification by the City Manager, to transfer by Ordinance all or part of any unencumbered appropriations balance from one department, office, or agency to another; and

WHEREAS, Article IX, Section 9.04 of the Charter authorizes the City Council, upon certification by the City Manager, to appropriate by Ordinance all or part of any unencumbered supplemental appropriations balance to one or more fund accounts, including capital improvement projects fund accounts; and

WHEREAS, the City Manager has certified that certain unencumbered appropriations and supplemental appropriations are available and has requested that such unencumbered appropriations be transferred to various other accounts and that such supplemental revenues be appropriated to various fund accounts; and

WHEREAS, it is the desire of City Council to comply with the requests of the City Manager; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. The facts and recitations set forth in the preamble of this ordinance are hereby found to be true and correct.

Section 2. The General Budget of the City of Missouri City, Texas, for the

fiscal year 2009 be, and is hereby, amended as set forth in Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 3. The appropriate officials are hereby authorized and directed to take those steps necessary to accomplish such transfers and to cause the same to be duly reflected in the records of the City.

PASSED, APPROVED and ADOPTED on first and final reading this 2nd day of March, 2009.

Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

Patrice Fogarty, City Secretary

Caroline Kelley, City Attorney

EXHIBIT "A"

BUDGET AMENDMENT - March 2, 2009

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	ORIGINAL	INCREASE/ (DECREASE)	ADJUSTED BUDGET
<i>GENERAL FUND</i>				
<u>REVENUES</u>				
101-0000-300-1000	Property Taxes - Current <i>Increase due to change in estimated tax rate to adopted tax rate</i>	14,936,066	175,372	15,111,438
101-0000-380-4200	Donation - Economic Development <i>Centerpoint Energy Donations - economic development activities</i>	0	4,000	4,000
	TOTAL REVENUES	14,936,066	179,372	15,115,438
<u>EXPENDITURES</u>				
101-1001-514-4033	City Economic Development <i>Economic development activities from Centerpoint Energy donations</i>	82,815	4,000	86,815
101-4031-542-2023	Minor Tools & Equipment <i>To correct error in entering original budget</i>	3,536	4,950	8,486
	TOTAL EXPENDITURES	86,351	8,950	95,301
<i>GENERAL FUND</i>	CHANGE IN FUND BALANCE	5,683,732	170,422	5,854,154
<hr/> SPECIAL REVENUES FUNDS				
<i>NARCOTICS FUND</i>				
205-0000-537-5047	Equipment - Narcotics Fund <i>To fund purchase of desktop computers</i>	12,930	10,858	23,788
	CHANGE IN FUND BALANCE	23,417	(10,858)	12,559
<hr/> DEBT SERVICE FUND				
<u>EXPENDITURES</u>				
301-0000-300-0100	Property Taxes - Current <i>Decrease due to change in estimated tax rate to adopted tax rate</i>	7,164,610	(164,418)	7,000,192
	CHANGE IN FUND BALANCE	2,399,566	(164,418)	2,235,148

EXHIBIT "A"

BUDGET AMENDMENT - March 2, 2009

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	ORIGINAL	INCREASE/ (DECREASE)	ADJUSTED BUDGET
ENTERPRISE FUNDS				
GOLF COURSE FUND - To Set up Budget for new entriprise fund for golf course.'				
REVENUES:				
550-0000-380.02-00	CASH OVER/UNDER-CASHIERS	0	(187)	(187)
550-0000-380.40-00	DONATIONS - PARKS	0	152,650	152,650
Golf Course Operations				
550-6101-416.61-01	GREEN FEES - LAQUINTA	0	369,104	369,104
550-6101-416.61-03	UNLIMIT MONTHLY GREEN FEE	0	277,226	277,226
550-6101-416.61-04	TWILIGHT GREEN FEES	0	26,010	26,010
550-6101-416.61-30	CART RENTAL FEES	0	237,262	237,262
550-6101-416.61-31	UNLIMIT MONTHLY CART RENT	0	39,502	39,502
550-6101-416.61-38	UNL MO PRIV CART TRAILFEE	0	14,100	14,100
550-6101-416.61-39	PRIVATE CART TRAIL FEE	0	47,815	47,815
550-6101-416.61-45	TOURNAMENT FEES	0	16,434	16,434
550-6101-416.61-46	TEAM FEE	0	4,800	4,800
550-6101-416.61-50	HANDICAP FEES	0	9,240	9,240
550-6101-416.61-99	OTHER	0	839	839
Range Operations				
550-6102-416.62-34	NON-RES ANNUAL RANGE FEE	0	17,805	17,805
550-6102-416.62-35	RANGE FEES	0	28,795	28,795
550-6102-416.62-46	GOLF TEAM FEE	0	1,600	1,600
Pro Shop Operations				
550-6103-416.63-41	PRO SHOP SALES	0	102,354	102,354
550-6103-416.63-99	OTHER	0	280	280
Food & Beverage				
550-6104-416.64-50	FOOD & BEV - GRILL ROOM	0	73,131	73,131
550-6104-416.64-51	LIQUOR - GRILL ROOM	0	46,775	46,775
550-6104-416.64-52	FOOD & BEV-HALF WAY HOUSE	0	17,751	17,751
550-6104-416.64-53	LIQUOR - HALF WAY HOUSE	0	7,644	7,644
550-6104-416.64-54	FOOD & BEV-BEVERAGE CART	0	4,352	4,352
550-6104-416.64-55	LIQUOR - BEVERAGE CART	0	6,830	6,830
550-6104-416.64-56	FOOD & BEV - BANQUETS	0	916	916
550-6104-416.64-57	LIQUOR - BANQUETS	0	180	180
550-6104-416.64-58	FOOD & BEV - EVENTS	0	63,444	63,444
550-6104-416.64-60	FOOD & BEV - GOLF SHOP	0	5,976	5,976
550-6104-416.64-61	FOOD & BEV - SNACK BAR	0	370	370
550-6104-416.64-62	LIQUOR - SNACK BAR	0	961	961
TOTAL REVENUES		0	1,573,958	1,573,958
EXPENDITURES				
Golf Course Operations				
550-6101-711.10-50	OVERTIME	0	330	330
550-6101-711.11-30	CONTINGENCY WORKERS	0	171,383	171,383
550-6101-711.12-25	TAXES, SOCIAL SECURITY	0	13,136	13,136
550-6101-711.12-50	WORKERS COMPENSATION	0	2,811	2,811
550-6101-712.20-01	OFFICE SUPPLIES	0	3,483	3,483
550-6101-712.20-03	EMPLOYEE MEALS	0	0	0
550-6101-712.20-05	WEARING APPAREL	0	2,030	2,030
550-6101-712.20-21	FUEL, OIL & LUBRICANTS	0	106	106
550-6101-712.20-23	MINOR TOOLS & EQUIPMENT	0	13,180	13,180
550-6101-712.20-25	JANITORIAL SUPPLIES	0	300	300
550-6101-712.20-33	POSTAGE	0	406	406
550-6101-712.20-35	BLDG MAT'L/SUPPLIES & RPR	0	5,508	5,508
550-6101-712.20-37	COPY MACHINE SUPPLIES/RPR	0	43	43
550-6101-712.20-52	GOLF COURSE MATL & SUPPLY	0	8,889	8,889
550-6101-712.20-69	MISCELLANEOUS	0	600	600
550-6101-712.21-99	CENTRAL GARAGE ALLOC	0	6,163	6,163
550-6101-713.30-01	MINOR EQUIP MAINT/RPR/RNT	0	3,223	3,223
550-6101-713.30-04	CONTRACTOR HIRE - MOWING	0	872,118	872,118
550-6101-713.30-06	CONTRACTOR HIRE-TREE TRIM	0	2,005	2,005
550-6101-713.30-09	INSURANCE	0	9,425	9,425
550-6101-713.30-17	SPECIAL SERVICES & LEGAL	0	313,368	313,368
550-6101-713.30-20	BANK FEES	0	8,000	8,000
550-6101-713.30-21	SERVICE AGREEMENTS/REPAIR	0	10,400	10,400
550-6101-713.30-33	TELEPHONE	0	32,001	32,001
550-6101-713.30-34	ELECTRIC UTILITIES	0	125,125	125,125
550-6101-713.30-35	GARBAGE COLLECTION	0	1,980	1,980
550-6101-713.30-36	WATER UTILITIES	0	23,779	23,779

EXHIBIT "A"

BUDGET AMENDMENT - March 2, 2009

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	ORIGINAL	INCREASE/ (DECREASE)	ADJUSTED BUDGET
550-6101-713.30-43	BUILDING REPAIRS	0	3,772	3,772
550-6101-714.40-05	PRINTING & PUBLICATIONS	0	5,197	5,197
550-6101-714.40-07	DUES & SUBSCRIPTIONS	0	380	380
550-6101-714.40-09	TRAINING & TRAVEL	0	200	200
550-6101-714.40-71	GOLF EQUIPMENT RENTAL	0	72,070	72,070
550-6101-717.70-40	MACHINERY & EQUIPMENT	0	0	0
Range Operations				
550-6102-712.20-22	RANGE BALL EXPENSE	0	4,352	4,352
550-6102-712.20-23	MINOR TOOLS & EQUIPMENT	0	4,600	4,600
550-6102-713.30-01	MINOR EQUIP MAINT/RPR/RNT	0	300	300
Pro Shop Operations				
550-6103-712.20-05	WEARING APPAREL	0	465	465
550-6103-712.20-23	MINOR TOOLS & EQUIPMENT	0	298	298
550-6103-712.20-35	BLDG MAT'L/SUPPLIES & RPR	0	110	110
550-6103-712.20-60	MERCHANDISE - PRO SHOP	0	71,625	71,625
550-6103-713.30-33	TELEPHONE	0	255	255
Food & Beverage				
550-6104-711.10-50	OVERTIME	0	461	461
550-6104-711.11-30	CONTINGENCY WORKERS	0	155,031	155,031
550-6104-711.12-25	TAXES, SOCIAL SECURITY	0	11,895	11,895
550-6104-711.12-50	WORKERS COMPENSATION	0	2,529	2,529
550-6104-712.20-01	OFFICE SUPPLIES	0	188	188
550-6104-712.20-03	MEALS & DRINKS	0	2,400	2,400
550-6104-712.20-05	WEARING APPAREL	0	1,034	1,034
550-6104-712.20-23	MINOR TOOLS & EQUIPMENT	0	16,219	16,219
550-6104-712.20-35	BLDG MAT'L/SUPPLIES & RPR	0	201	201
550-6104-712.20-69	MISCELLANEOUS	0	600	600
550-6104-712.21-01	COGS - FOOD & BEVERAGE	0	105,748	105,748
550-6104-712.21-06	COGS - LIQUOR	0	21,654	21,654
550-6104-712.21-10	LINENS & SUPPLIES	0	11,034	11,034
550-6104-713.30-01	MINOR EQUIP MAINT/RPR/RNT	0	500	500
550-6104-713.30-11	CATERING SERVICES	0	1,085	1,085
550-6104-713.30-20	BANK FEES	0	1,400	1,400
550-6104-713.30-23	BEVERAGE TAX	0	3,737	3,737
550-6104-713.30-32	GAS UTILITIES	0	2,504	2,504
550-6104-713.30-35	GARBAGE COLLECTION	0	5,830	5,830
550-6104-713.30-43	BUILDING REPAIRS	0	14,118	14,118
550-6104-713.32-03	PERMIT SERVICES	0	7,068	7,068
550-6104-714.40-09	TRAINING & TRAVEL	0	25	25
550-6104-714.40-71	GOLF EQUIPMENT RENTAL (bev cart)	0	972	972
TOTAL EXPENDITURES:		0	2,159,651	2,159,651
CHANGE IN FUND BALANCE		0	(585,693)	(585,693)



**Council Agenda Item
March 2, 2009**

11. **CONSIDERATION OF RESOLUTIONS** – *There are no Consideration of Resolutions on this agenda.*
 12. **RECEIVING OF REPORTS** – *There are no reports on this agenda.*
 13. **CLOSED EXECUTIVE SESSION**
The City Council may go into Executive Session regarding any item posted on the Agenda as authorized by Chapter 551 of the Texas Government Code. Notice is hereby given that the City Council will go into Executive Session in accordance with the following provisions of the Government Code:

Texas Government Code, Section 551.071 – Consultation with attorney to seek or receive legal advice regarding pending or contemplated litigation, a settlement offer, or on a matter which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Texas Open Meetings Act: eminent domain proceeding relating to the Quail Valley Golf Course.

Texas Government Code, Section 551.071 – Consultation with attorney to seek or receive legal advice regarding pending or contemplated litigation, a settlement offer, or on a matter which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Texas Open Meetings Act: for vacation, closure and abandonment of a certain segment of Cravens Road between U.S. Highway 90A and S. Gessner Road.
 14. **CONVENE INTO OPEN SESSION** – *Take action, if necessary.*
 15. **ADJOURN**
-